

Clarke County Board of Supervisors

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County of Clarke, Virginia

Board of Supervisors

2003

Meeting Minutes

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CLARKE COUNTY BOARD OF SUPERVISORS

January 21, 2003Regular Meeting9:00 am

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, January 21, 2003.

Present:

Chairman Staelin, Vice Chairman Philip Shenk, Supervisor Barbara J. Byrd, Supervisor J. Michael Hobert, and Supervisor A. R. Dunning, Jr.

Also Present:

David A. Ash, Randy Kiser, Jerry Kirk, Jay Arnold, Dana Storm, Charles Johnston, John Sours, Val VanMeter, Jerry Herrmann, Ed Breslauer, other citizens and members of the press.

Call To Order:

Chairman Staelin called the meeting to order at 9:03 am in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Annual Organizational Matters

E. Rules of Procedure

Supervisor Dunning moved to adopt the Rules of Procedure setting the terms for officers [Section 2-1] [Item A.]; and setting day, time and place for the third Tuesday each month at 9:00 am in the Board of Supervisors Meeting Room [Section 1-1] [Item D.].

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Chairman Staelin requested a change of meeting date for the May Board of Supervisors meeting from May 20 to May 13, to which all agreed.

B. Election Of Chairman

Supervisor Dunning moved for the Board of Supervisors to elect John Staelin as Chair.

The motion carried by the following recorded vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

C. Election Of Vice-Chairman

Supervisor Dunning moved for the Board of Supervisors to elect Philip Shenk as Vice Chair.

The motion carried by the following recorded vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

F. Committee Assignments and Appointments

Supervisor Byrd requested the following additions/corrections to the 2003 Board of Supervisors Assignments:

- Add Supervisor Byrd as Liaison to The Barn Projects;
- Add Division of Court Services to Old Dominion Alcohol Safety Action Board.

Chairman Staelin requested that the assignments remain the same with the changes noted above, as well as the following additions to the 2003 Board of Supervisors Assignments:

- Add Chairman Staelin as Alternate to the Clarke County Sanitary Authority;
- Add Vice Chairman Shenk as Alternate to the Planning Commission;
- Add Supervisor Byrd as Alternate to the School Board;
- Remove Supervisor Dunning from Water Resources.

<u>Committee/Board</u>	<u>Name</u>		<u>Position</u>
Housing Rehabilitation Board	David L.	Ash	
Lord Fairfax Planning District	David L.	Ash	
Regional Jail Board	David L.	Ash	
Board of Social Services	Barbara J.	Byrd	Liaison
Clarke County Humane Foundation	Barbara J.	Byrd	Liaison
Finance Committee	Barbara J.	Byrd	Alternate
Juvenile Detention Board	Barbara J.	Byrd	Alternate
Litter Committee	Barbara J.	Byrd	
Lord Fairfax Planning District	Barbara J.	Byrd	
Old Dominion Alcohol Safety Action Board & Division of Court Services	Barbara J.	Byrd	
Our Health	Barbara J.	Byrd	
Personnel Committee	Barbara J.	Byrd	
Regional Jail Board	Barbara J.	Byrd	Alternate
Regional Partnership	Barbara J.	Byrd	
School Board	Barbara J.	Byrd	Alternate
The Barn Projects	Barbara J.	Byrd	Liaison
Towns and Villages: Berryville	Barbara J.	Byrd	Liaison
Clarke County Sanitary Authority	A.R.	Dunning, Jr.	
Economic Development Advisory Committee	A.R.	Dunning, Jr.	
Finance Committee	A.R.	Dunning, Jr.	Alternate
Personnel Committee	A.R.	Dunning, Jr.	Alternate
Planning Commission	A.R.	Dunning, Jr.	Representative
Towns and Villages: Boyce	A.R.	Dunning, Jr.	Liaison
Towns and Villages: White Post	A.R.	Dunning, Jr.	Liaison

<i>Committee/Board</i>	<i>Name</i>		<i>Position</i>
Easement Committee	J. Michael	Hobert	
Economic Development Advisory Committee	J. Michael	Hobert	
Finance Committee	J. Michael	Hobert	
Library Board	J. Michael	Hobert	Liaison
Personnel Committee	J. Michael	Hobert	Alternate
Revenue Committee	J. Michael	Hobert	
School Board	J. Michael	Hobert	Liaison
Technology Committee	J. Michael	Hobert	
Towns and Villages: Berryville	J. Michael	Hobert	Liaison
Board of Supervisors	Philip	Shenk	Vice Chair
Building and Grounds	Philip	Shenk	Liaison
Emergency Services	Philip	Shenk	Liaison
Finance Committee	Philip	Shenk	Alternate
Parks and Recreation Advisory Board	Philip	Shenk	Liaison
Personnel Committee	Philip	Shenk	Alternate
Planning Commission	Philip	Shenk	Alternate
Sheriff's Department	Philip	Shenk	Liaison
Towns and Villages: Pine Grove	Philip	Shenk	Liaison
Board of Supervisors	John	Staelin	Chair
Clarke County Sanitary Authority	John	Staelin	Alternate
Finance Committee	John	Staelin	
Housing Rehabilitation Board	John	Staelin	
Joint Administrative Services Board	John	Staelin	Representative
Legislative Liaison and High Growth Coalition	John	Staelin	
Lord Fairfax Planning District	John	Staelin	
Northern Shenandoah Valley Planning Commission	John	Staelin	
Water Policy Board			
Revenue Committee	John	Staelin	
Technology Committee	John	Staelin	
Towns and Villages: Millwood	John	Staelin	Liaison
Towns and Villages: Pine Grove	John	Staelin	Liaison
Water Resources	John	Staelin	
Lord Fairfax Disability Services Board	Charles	Johnston	
Lord Fairfax Planning District	Charles	Johnston	
Water Resources	Alison	Teetor	

Bills And Claims Report Schedule For
Year 2003 Board Of Supervisors Meetings

<i>Month</i>	<i>Board Member Assigned to Bills and Claims Report</i>
January	John Staelin
February	Mike Hobert
March	Pete Dunning
April	Philip Shenk
May	Barbara Byrd
June	John Staelin
July	Mike Hobert
August	Pete Dunning
September	Philip Shenk
October	Barbara Byrd
November	John Staelin
December	Mike Hobert

Chairman Staelin said he was making the assignments as modified above.

Adoption of Agenda:

The following amendments were made to the agenda:

- Add to Miscellaneous: Sanitary Authority Request for Ordinance Prohibiting Blasting
- Add to Miscellaneous: Legislative Update
- Add Closed Session: Personnel Issues

Supervisor Dunning moved for approval of the agenda with the above-referenced changes. The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Approval Of Minutes December 17, 2002 – Regular Meeting:

Supervisor Byrd moved for approval of the minutes of the December 17, 2002 Regular Meeting. The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Consent Agenda

Motion by Supervisor Byrd to approve the Consent Agenda as follows:

- A. Authorize execution of Resolution entitled "Resolution In Connection With Support Agreement For The Benefit Of The Clarke County Sanitary Authority" providing authority for the Chairman and the Administrator to execute documents supporting the Sanitary Authority issue of revenue bonds in connection with the upgrade and construction of the Sanitary Authority's water system.
- B. Authorize the Chairman and/or the Administrator to execute a modified Management Agreement necessitated by the issue of revenue bonds by the Sanitary Authority.
- C. Approve moving \$15,000 from Professional Services Contingency Line to BOS Professional Services Line. [No change in total expenditures.]
- D. Approve supplement of \$6,200 to Circuit Clerk Payroll Line items and expenditure of same to provide funds needed to maintain employee compensation at current levels.
- E. Set Public Hearing for the next regular meeting of the Board of Supervisors regarding Budget Expenditure Reductions.
- F. Approve supplemental appropriation of \$3,932 to Litter Committee for current fiscal year.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Citizen Comment Period:

No citizens appeared to speak.

Virginia Department Of Transportation:

- Randy Kiser, Resident Engineer

Randy Kiser provided a status report on Secondary Projects. They anticipate a public hearing on Jack Enders Boulevard in early summer. There has been a slight shift in design to the right side and he will provide revised design.

Mr. Kiser will provide the plans for 636 [Westwood Road] at the February Board of Supervisors Meeting. There will be a meeting on January 31, 2003 at 11 am in the Berryville Town Council Chambers to discuss Route 7 Business East and Route 7.

More funds for safety will be made available. Current plans are to add a right-turn lane at 621, which is the last to be completed. Safety funds are typically used for simple projects. Supervisors Byrd, Dunning and Hobert raised concerns regarding the intersection of 340 and Senseny Road and stoplights for schools on Route 7 Business.

Chuck Johnston, Planning Administrator, requested the presence of Randy Kiser at the Planning Commission's February 7, 2003 public hearing on 277 Double Tollgate.

Supervisor Byrd requested report on accidents and fatalities caused by deer in the County. Supervisor Byrd also brought forth a request to review the use of "rumble strips" on Senseny Road by Crim Dairy Farm. While signage has been put in place, it has had little effect.

Chairman Staelin expressed the Board's appreciation for the lines on 606.

Allegheny Power

- John Crawford

John Crawford, Director – Allegheny Power Winchester Service Center, accompanied by Marsha Simons, Alan Stagger, Jeff Hensen, and Scott Boyd, appeared before the Board of Supervisors to give a detailed account of the events surrounding the ice storm that caused power outages throughout the county from December 11 through 15, 2002. While it was acknowledged that it was a disaster affecting an area of approximately 140 miles, the breakdown in communication and lack of organization had a negative impact on the County.

David Ash, County Administrator and head of Emergency Services, stated that under normal circumstances Allegheny Power notifies local Dispatch of outages; however, during this event with one half to two thirds of the County out of power, they received no notification. He personally called six to ten times asking for a supervisor. His calls were not returned.

Jay Arnold, Chief - John H. Enders Fire & Rescue Company, spoke regarding the delay in response and lack of communication with the local fire departments during the storm that created fire hazards and additional man hours. He further stated during an incident over the past weekend they waited an hour and a half for an Allegheny Power crew to show at the

scene noting there was no storm during this period and delays of this length were the norm not the exception.

Jim Bogaty, resident and former AT&T employee, stated it was the worst response he had ever seen. He personally called in pole numbers during the outage and was unable to reach a supervisor nor were his calls returned. He further stated they were good crews but bad communication.

Chairman Staelin stated all recognized it was a big storm and we do not expect instant service or repair. However, improvements in communication and organization during these big events need to be addressed.

Ratification Of Committee Action:

Personnel:

- Item No. 3: Pay Raises - Discuss in Closed Session.
- Item No. 4: Authorization to Hire Information Technology Assistant
- Item No. 5: Unit Director Request – Extension Service

Appointment to Authorities, Boards and Commissions:

Chairman Staelin put forth the following for appointments:

<u>Committee/Board</u>	<u>Name</u>	<u>Expiration Date</u>
Board of Zoning Appeals	Charles Kackley	2/15/2008
<i>Mr. Kackley is recommended for service on this board, which has a five-year term. Mr. Kackley's previous term ran from 4/9/1998 through 2/15/2003. His name will be forwarded to the Clarke County Circuit Court for approval.</i>		
Economic Development Advisory Committee	Eric Myer	12/31/2006
<i>Dr. Myer is a new appointee to this committee filling the vacancy from Alain Borel's expired term.</i>		
Berryville Area Development Authority	Stephanie McKay	3/31/2006
<i>Ms. McKay is re-appointed to this committee, which has a three-year term. Ms. McKay's previous term ran from 3/31/2000 through 3/31/2003</i>		

Supervisor Byrd moved to accept in whole all the items and appointments listed above. The motion carried as follows:

- | | | |
|---------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Shenk | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |

Work Session:

No action taken. Reports were provided and are on file in the Board of Supervisors January 2003 file.

Finance:

No action taken. The standard reports were provided and are on file in the Board of Supervisors January 2003 file.

Project Update:

- David Ash

Millwood Sewer:

The bond counsel and Mr. Mitchell have reviewed the materials. The loan closing is scheduled for next week.

Courthouse Renovation:

The proposed completion date is the end of January 2003. Court held in the building last week.

Parks and Recreation:

Work delays due to weather.

Coiner House:

Awaiting information from SPN. The County Administrator and the Chairman of the Historical Association will meet once it is available.

Gypsy Moth:

The spray area this year is smaller. Working with the same time frame as last year.

Humane Foundation:

Brad Frazier and Bobbie Levi attended the meeting with Shockey and the State Vet and were very helpful. Will continue Phase I of the project once weather conditions improve.

Joint Committee on School Capacity and Needs:

Will be going to Charlottesville to meet with Mr. Spar, of the Weldon Cooper Center.

Communications Tower:

Telephone lines and radios in. Radios are not working properly and have been returned for repair and/or adjustment.

Business Park:

Crews will be on site by January 20.

USGS Quarterly Update

- David Nelms

Mr. Nelms, USGS Project Chief, appeared to review the quarterly report. He expressed his appreciation for the Blandy Farm updates. He indicated that while the amount of rain and the timing have helped it is still too soon to state the drought is over. Some wells in the area are still reading record lows.

Their studies show that the system is highly connected and moving through limestone transmits the water faster. Chairman Staelin put forth this shows a danger of potential pollution problems.

Mr. Nelms provided additional charts, which can be viewed in the January 21, 2003, Board of Supervisors file. A meeting was held in Winchester on January 15, 2003; and Chairman Staelin requested Alison Teetor to forward that meeting information to the Board of Supervisors.

Annual Audit and Financial Report

- John Montoro

John Montoro from Cherry, Bekaert & Holland appeared before the Board. Mr. Montoro reviewed and he distributed to the Board the following: Financial Report for Year-ended June 30, 2002 and Management Comments, Significant Matters Relating to the Audit, and Other Information dated June 30, 2002; and Financial Trend Analysis reports. These reports are on file in the January 21, 2003 Board of Supervisors' file and available for viewing.

Mr. Montoro stated to the Board that the audit went well this year. He reported to the Board that the collection rate for local taxes was 99% and this type of positive response does not occur without action. Linda Coumes, Treasurer, opined it could be attributed to better training.

Mr. Montoro stated the County budgeted too low on the local portion of personal property taxes and were too high on the state side; but combined, they were very close. The Cafeteria Fund broke even for the year, which is good considering many localities were in a deficit. Tom Judge had requested Mr. Montoro make an adjustment by separating Debt Service and Capital projects. This change is shown in the document.

Tom Judge reviewed the Trend Analysis comparing Clarke County to other similar localities and providing averages. Overall, Clarke County placed higher than average in adjusted gross income, real property value, and per capita tax revenue; and lower than average in poverty level, unemployment, and property tax delinquency rates.

Chairman Staelin thanked Mr. Judge and the staff of Joint Administrative Services for another good year.

Public Hearing – Text Amendment – TA-02-07:

- Charles Johnston

The Clarke County Board of Supervisors will consider the amendment of:

a. The County Zoning Ordinance, Section 3-A-1, the Agricultural-Open Space-Conservation [AOC] Zoning District and 3-A-2, the Forestal-Open Space-Conservation [FOC] Zoning District, and

b. The County Subdivision Ordinance, Section 7, Details of Plat Requirements and Section 8, Design Requirements.

So as to establish a vegetated property buffer for parcels of less than 20 acres created after the adoption of this ordinance. TA-02-07

The Planning Administrator provided a brief overview of the above-referenced matter.

At 12:19 pm, Chairman Staelin opened the public hearing for public comment. There being no persons present to address this matter the hearing was closed.

Following discussion, Vice Chairman Shenk made a motion to postpone voting on the matter until the next regularly scheduled meeting of the Board.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Public Hearing – Special Use Permit – SUP-02-03:

- Charles Johnston

Jerry Kirk requests approval of a Special Use and Site Plan amendment for additional storage units on the property identified as Tax Map Parcel 29-((A))-3 and 29-((A))-4, located at 8112 John Mosby Highway, Greenway Magisterial District, zoned Highway Commercial (CH). SUP-02-03

The Planning Administrator provided a brief overview of the above-described matter.

At 12:44 pm, Chairman Staelin opened the public hearing for public comment.

Dana Storm inquired as to the surface of the parking lot and whether they intended to park vehicles on the lot. Mr. Johnston stated the surface was to be gravel and it was intended for use as a storage facility for cars, boats, and RV's. She opined that the trees could be left in place, which would provide shading for the proposed vehicle parking.

There being no other persons present to address the matter the hearing was closed.

Following discussion, Vice Chairman Shenk moved to approve the Special Use and Site Plan amendment for additional storage units on the property identified as Tax Map Parcel 29-((A))-3 and 29-((A))-4, located at 8112 John Mosby Highway, Greenway Magisterial District, zoned Highway Commercial (CH) [SUP-02-03] with the condition "in the event that the subsurface absorption system associated with the proposed office fails, the owner must connect to the public sewer system."

Approval of the motion was by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Bills And Claims:

- Chairman Staelin

Chairman Staelin moved to accept the Bills and Claims as presented for the month.

Approval of the motion was by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Report – Economic Development:

- John W. Sours, Jr., Director

John Sours appeared to review his monthly report. Included with this report was a draft of the Resident's Guide. Chairman Staelin would like the guide to be sent out with the tax bills in April. The format will be reviewed at the next regularly scheduled meeting of the Board. Chairman Staelin asked Mr. Sours to provide a copy of the survey to be placed on the County website. Mr. Sours also reviewed efforts in progress with the webmaster to place the Board of Supervisor's Agenda on the website.

Parks & Recreation Activity Fee

- David L. Ash

Mr. Ash provided a brief overview of the above-described matter.

Proposed Fee Increase
To become effective March 1st for Facility Rentals &
May 1st for Admissions

<i>Facility or Service</i>	<i>Current Cost Resident</i>	<i>Current Cost Non-Resident</i>	<i>Proposed Cost Resident</i>	<i>Proposed Cost Non-Resident</i>	<i>Total Increase Resident</i>	<i>Total Increase Non-Resident</i>
Shelters	\$20 for four hrs, \$5 for each additional hr.	\$30 for four hrs. \$7 for each additional hr.	\$28 for four hrs. \$6 for each additional hr.	\$36 for four hrs. \$8 for each additional hr.	\$2 p/h for first 4 hrs. \$1 per hr. for each additional hr.	\$1.50 p/h for first 4 hrs.
Pool Rental	\$65 p/h for two hrs.	\$70 p/h for two hrs	\$70 p/h for two hrs.	\$75 p/h for two hrs.	\$5 p/h	\$5 p/h
Pool Rental: Non-Profit	\$65 for two hrs.		\$100 for two hrs.			
General Admission	\$1.50 for Ages 6 – 15	\$2.50 for Ages 6 – 15	\$1.75 for Ages 6 – 15	\$2.75 for Ages 6 – 15	Increase of \$.25 across the board	Increase of \$.25 across the board
	\$2.50 for Ages 16 – 59	\$3.50 for Ages 16 – 59	\$2.75 for Ages 16 – 59	\$3.75 for Ages 16 – 59		
	\$1.00 for Seniors 60+	\$2.00 for Seniors 60+	\$1.25 for Seniors 60+	\$2.25 for Seniors 60+		
Twenty Admission Punch Pass	\$20 for Ages 6 – 15	Currently not available	\$25 for Ages 6 – 15	\$45 for Ages 6 – 15	\$5 per pass across the board	N/A
	\$40 for Ages 16 – 59		\$45 for Ages 16 – 59	\$65 for Ages 16 – 59		
	\$10 for Seniors 60+		\$15 for Seniors 60+	\$35 for Seniors 60+		

Vice Chairman Shenk moved to accept the new fee schedule.

The motion was approved by the following vote:

- Chairman Staelin

Vice Chairman Shenk

Supervisor Byrd

Supervisor Dunning

Supervisor Hobert
- -

-

-

-
- Aye

Aye

Aye

Aye

Aye

Discharging Firearms in Densely-populated Areas:

- A.R. Dunning, Jr.

Supervisor Dunning provided a brief overview of the above-described matter. Chairman Staelin expressed a desire for additional clarification on the matter prior to proceeding and requested that David Ash and Robert Mitchell review and provide direction. This matter will be discussed at the next regularly scheduled meeting of the Board of Supervisors.

Miscellaneous Items:

Legislative Issues:

Chairman Staelin provided a brief overview of the current bills and solicited the opinions of the Board on these matters. The Legislative Update was provided and can be viewed in the January 21, 2003, Board of Supervisors file.

Sanitary Authority Request for Ordinance Prohibiting Blasting

Supervisor Dunning provided background information regarding the installation of a grout curtain, costing \$100,000, that increased the water for consumption by 20 to 30%. The Sanitary Authority has expressed concern that blasting within 1,500 yards of Prospect Hill Spring may cause a disruption in the water flow. Supervisor Dunning proposed that the Board of Supervisors adopt an ordinance prohibiting blasting in that area.

Supervisor Dunning moved that David Ash and Robert Mitchell create a blasting ordinance; and to set the matter for public hearing at the next regularly scheduled meeting of the Board of Supervisors.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Summary Of Required Action:

1. Send out appointment letters. – David Ash
2. Meet with Robert Mitchell to draft Blasting Ordinance. – David Ash
3. Meet with Robert Mitchell to review and clarify discharge of firearms. – David Ash
4. Change May 2003 Board of Supervisors Meeting from May 20 to May 13 and adjust all supporting meeting dates. – David Ash
5. Provide a copy of the County website survey to the Board of Supervisors. – John Sours
6. Provide USGS meeting information to the Board of Supervisors. – Alison Teetor
7. Shrink/Swell Soil Ordinance Review - Carey Purvis/Alison Teetor
8. Revised design of Jack Enders Boulevard. – Randy Kiser, VDOT

Closed Session:

Supervisor Dunning moved to convene into closed session pursuant to Section §2.2.3711-A1 of the Code of Virginia, as amended, to discuss personnel issues. The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Dunning moved to reconvene in open session. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Byrd moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Personnel Committee Action

Supervisor Byrd, a member of the Personnel Committee, moved to adopted the following resolution.

BE IT RESOLVED, by the Board of Supervisors of the County of Clarke, Virginia, that the rate of pay for the following individuals, subject to agreement by affected Constitutional Officers, will be adjusted to the following rates effective January 1, 2003.

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>2003 Salary</u>
Ash,	David	County Administrator	\$99,598
Walburn,	Lora	Deputy Clerk	\$30,363
Johnston,	Charles	Planning Administrator	\$81,943
Russell,	Jesse,	Zoning Administrator	\$46,788
Teetor,	Alison	Natural Resources Planner	\$49,342
Bean,	Debra	Administrative Assistant	\$28,251
Russell,	Gordon	GIS	\$54,432
Purvis,	Carey	Code Official	\$53,434
Ingles,	Wallace	Code Official	\$33,868
Good,	Gail	Administrative Assistant	\$32,525
DeHaven,	Holly	Receptionist	\$21,921
Cooke,	Lisa	Director	\$45,536
Pitcock	Tracey	Recreation Program Coordinator	\$31,419
Bosserman,	Barbara	Administrative Assistant	\$36,731
Parsons,	Matthew	Recreation Center Manager	\$34,419
Barbour,	Shannon	Program Coordinator	\$32,419
Seals,	Melinda	Recreation Program Supervisor	\$26,088
Boothe,	Ann	Receptionist	\$23,537

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>2003 Salary</u>
Levi,	Robert	Maintenance Supervisor	\$44,455
Miller,	Ruby	Maintenance	\$28,151
Ball,	Dennis	Maintenance	\$22,564
Mason,	Ricardo	Maintenance	\$22,564
Fraizer,	Brad	Maintenance	\$34,419
DeHaven,	Carolyn	Maintenance	\$21,190
Jackson,	Don	EMT-C, Supervisor	\$33,322
Peach,	David	EMT-C	\$30,986
Barenklau,	Mark	EMT-C	\$30,986
Sweany,	Lori	ACO	\$26,656
Willis,	Jennifer	AACO	\$18,742
Hill,	Virginia	Assessor	\$41,273
Vaughan,	Susanne	Extension	\$23,675
Sours,	John	Economic Development	\$46,703
Hess,	Pam	911 Coordinator	\$40,674
McKay,	Robin	Dispatcher 911	\$24,677
Seabaugh,	Cecil	Dispatcher 911	\$24,677
Sutherland,	Victor	Dispatcher 911	\$24,677
Ashby,	Rebecca	Senior Dispatcher	\$26,607
Ermerins,	James	Dispatcher	\$24,677
White,	Michael	Dispatcher	\$24,677
Wilkerson,	Robert	Dispatcher	\$24,677
Wright,	John	Dispatcher	\$24,677
Herron,	Kenneth	Chief Sheriff's Deputy	\$49,203
Coumes,	James	Investigator	\$47,278
Roper,	Anthony	Investigator	\$45,437
Feltner,	Alvin	Deputy	\$31,484
Hammond,	Richard	Deputy	\$31,484
Jones,	Thomas	Deputy	\$40,380
Levi,	Charles	Deputy	\$45,437
Lichliter,	Gary	Deputy	\$45,437
McWilliams,	Michael	Deputy	\$31,484
Rosenberry,	Brian	Deputy	\$41,175
Small,	Richard	Deputy	\$37,362
Sumption,	Travis	Deputy	\$31,484
Martin,	Charles	Secretary	\$22,526
Smoot,	Page	Deputy 3 Commissioner of Revenue	\$31,549
Peake,	Donna	Deputy 2 Commissioner of Revenue	\$25,079
White,	Cathy	Deputy 2 Treasurer	\$23,087
Keeler,	Sharon	Deputy 3 Treasurer	\$27,964
Budija,	Shari	Deputy 1 Treasurer	\$22,065
Rhodes,	Clesta	Commonwealth's Atty Admn Asst.	\$39,055

Attested: January 21, 2003

David Ash

Warren Arthur
Commission of the Revenue

Linda Coumes
Treasurer

Suzanne Perka
Commonwealth Attorney

Dale Gardner
Sheriff

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Note: All affected Constitutional Officers approved the increases. The original, signed resolution may be viewed in the County Administrator's Office at 102 North Church Street, 2nd Floor.

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 1:45 pm.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

Clarke County Board of Supervisors
February 4, 2003 Special Meeting 12:00 PM
Board of Supervisors' Meeting Room

At a special meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, second floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, February 4, 2003.

Present:

Chairman John Staelin, Vice Chairman Shenk, Supervisor Barbara J. Byrd, Supervisor J. Michael Hobert, and Supervisor A. R. Dunning, Jr.

Also Present:

Robert Levi, John Sours, Val Van Meter, and Jerry Herrmann

Call To Order:

The meeting was called to order by Chairman Staelin at 12:05 p.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

The County Administrator explained that this was a Special Meeting, convened pursuant to provisions contained within Section 15.2-1418 of the Code of Virginia, as amended. The Letters of Notification and Waiver of Notice are included with the meeting minutes. This special meeting was convened to discuss the possible acquisition of real estate.

Closed Session:

Supervisor Hobert moved to convene into closed session pursuant to Section §2.2.3711-A3 of the Code of Virginia, as amended, to discuss acquisition or sale of property. The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman Shenk moved to reconvene in open session. The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Hobert moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

There being no additional business to be brought before the Board, the meeting was adjourned at 1:10 p.m.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

Clarke County Board of Supervisors

February 18, 2003 Regular Meeting 9:00 AM

Board of Supervisors' Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, second floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, February 18, 2003.

Present:

Chairman John Staelin, Supervisor Barbara J. Byrd, and Supervisor A. R. Dunning, Jr.

Absent:

Vice Chairman Shenk and Supervisor J. Michael Hobert

Also Present:

David L. Ash

Call To Order:

The meeting was called to order by Chairman Staelin at 9:12 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Due to the significant winter storm event, Supervisor Dunning moved to continue the regular February meeting of the Clarke County Board of Supervisors until Friday, February 21, at 9:00 a.m.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Absent

The meeting was adjourned at 9:25 a.m.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
February 21, 2003 Continued Regular Meeting 9:00 am

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia continued from Tuesday, February 18, 2003, and reconvened on Friday, February 21, 2003.

Present:

Chairman Staelin, Vice Chairman Philip Shenk, Supervisor Barbara J. Byrd, and Supervisor J. Michael Hobert

Also Present:

David A. Ash, Bob Mitchell, Tom Judge, Dana Storm, Charles Johnston, John Sours, Val VanMeter, Jerry Herrmann, Ed Breslauer, other citizens and members of the press.

Call To Order:

Chairman Staelin called the meeting to order at 9:05 am in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

The following amendments were made to the agenda:

- (a) Add to Miscellaneous: Sanitary Authority Proposed Resolution To Execute Support Agreement for Water Loan
- (b) Add to Miscellaneous: Set Alternate Date for Board of Supervisors Meetings
- (c) Add Closed Session: Real Estate Issues
- (d) Remove: VDOT – Item No. 6 – Per Randy Kiser, there was a conflict in scheduling with a division meeting at the same time where issues pertinent to Clarke County were to be discussed.

Vice Chairman Shenk moved for approval of the agenda with the above-referenced changes. The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Closed Session:

Supervisor Byrd moved to convene into closed session pursuant to Section §2.2.3711-A3 of the Code of Virginia, as amended, to discuss Acquisition or Sale of Property issues.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye

Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Byrd moved to reconvene in open session. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Supervisor Byrd moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Purchase of Allen Property:

Robert Mitchell, legal counsel for Clarke County, provided a copy of a Real Estate Sales Contract made and dated February 21, 2003, for property located at the corner of Crow and Church Streets in the Town of Berryville identified as Tax Parcels 14-A5-15 and 14-A5-19.

Chairman Staelin provided background information regarding the proposed purchase of the Allen properties. These properties have been on the market for quite some time. With approximately three years left on the bank building lease and pressure to withdraw sooner, the Space Committee has been working on this issue for an extended period of time. These buildings would resolve these space issues. The Liquor Store, currently on the property, could be used for additional office space or sold. The Space Committee has extensively reviewed other options such as building behind the Circuit Court House or building by The Barns.

There is also discussion regarding a joint use of the property with the Town of Berryville and Clarke County Government Offices. This property could help reduce the parking problems, as well as provide meeting rooms available for both the County and the Town.

To upgrade the Allen property, the County must check for asbestos and underground tanks. Should any environmental issues arise that require clean up, the Allens have already stated they do not wish to pay for same. The County would then have to consider the cost.

Supervisor Hobert wished to clarify this was not an acceptance of the offer. He further noted the purchase price of these properties is \$470K. He expressed some reservation since this action would take downtown real estate off of the tax rolls. However, when weighed against the need for space and the cost of new construction and/or renovations of the old, it is a decision in the public interest.

Supervisor Hobert moved to accept the contract with the addition of Paragraph 4D that reads *"and provide to Buyer, within said ten (10) day period, written certification of Seller and all partners of Seller of the existence and location, to the knowledge of each, of all underground tanks on the property."* Upon acceptance of that addition by the Seller, the Chairman of the Board of Supervisors be authorized to execute this contract on behalf of the County subject to all the terms and particular Seller requirements specified therein.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Approval Of Minutes January 21, 2003 – Regular Meeting:

Supervisor Byrd requested the following change:

Page 643, Project Update, Humane Foundation: Change *from* "begin Phase II" *to* read, "continue Phase I". Phase I is still in progress.

For consistent verbiage, Chairman Staelin requested the following change:

Page 637: Add Meet Third Tuesday of each month at 9:00 am in the Board of Supervisors Meeting Room.

Page 637 & 638, Election of Chair and Vice Chair, remove reference to length of term. Term length is set forth in the Rules of Procedure.

Supervisor Byrd moved for approval of the minutes of the January 21, 2003, Regular Meeting as amended. The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Approval Of Minutes February 4, 2003 – Special Meeting:

Supervisor Hobert moved for approval of the minutes of the February 4, 2003, Special Meeting. The motion was approved as follows:

Chairman Staelin	-	Aye
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Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Consent Agenda

David Ash provided a brief overview of the Resolution of Participation Northern Shenandoah Valley Disability Services Board.

County/City of _____
Resolution of Participation
Northern Shenandoah Valley Disability Services Board of Supervisors

Whereas, the counties of Clarke, Frederick, Page, Shenandoah, Warren, and the City of Winchester, Virginia utilized the Lord Fairfax Planning District Commission to create the Lord Fairfax Disability Services Board in 1992; and

Whereas, the Disability Service Board has enabled localities to meet the statutory requirement for such an entity; and

Whereas, the name change by the Lord Fairfax planning District Commission to Northern Shenandoah Valley Regional Commission has led to the request for a name change by the Lord Fairfax Disability Services Board to the Northern Shenandoah Valley Disability Services Board, and

Whereas, in the course of the name change the initial agreement requires administrative changes,

Now, therefore be it resolved that the _____ adopts this resolution of participation and approves the attached Regional Management Agreement for the Northern Shenandoah Valley Disability Services Board.

IN WITNESS WHEREOF, that each member jurisdiction have caused their names to be signed to this agreement with the Northern Shenandoah Valley Regional Commission and attested by their duly authorized officials.

Chief Elected Official

Adopted:
Attest:

Chairman, Northern Shenandoah Valley
Regional Commission

Adopted:
Attest:

Vice Chairman Shenk moved to approve the Consent Agenda. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Citizen Comment Period:

No citizens appeared to speak.

Bills And Claims:

- Supervisor Hobert

Supervisor Hobert moved to accept the Bills and Claims as presented for the month.
Approval of the motion was by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Discharging Firearms in Densely-populated Areas:

- David L. Ash

Due to the absence of Supervisor Dunning, Chairman Staelin moved discussion on this topic until the next regularly scheduled meeting of the Board of Supervisors set for March 18, 2003.

Project Update:

- David Ash

Millwood Sewer:

Notice to proceed has been issued. Bids on lateral connects have been advertised.

Courthouse Renovation:

The move in is complete. The temporary trailers have been removed. This project is gearing down.

Coiner House:

Still waiting for information from SPN.

Parks and Recreation:

Continued delays due to weather.

Gypsy Moth:

The program is right on target with last year. Notices will go out after the agreement from the State is received.

Shenandoah River Projects:

No changes.

Joint Committee on School Capacity and Needs:

John Staelin, David Ash, Dr. Smalley and Mike McCall attended the meeting with Mr. Spar, of the Weldon Cooper Center.

Communications Tower:

Antennas have been installed and are working very well. There are some small issues with the base station radios. The installation of an additional channel is required and reorganization on the consol to reconfigured for use.

Business Park:

The work is progressing for the roadway at the Park.

Public Hearing – Prospect Hills Spring
 - Chairman Staelin

Amendment Of The Clarke County Code by adding thereto a new Section providing for the prohibition of the use of explosives in a defined area surrounding Prospect Hills Spring.

Chairman Staelin noted the absence of Supervisor Dunning, who is the liaison to the Sanitary Authority, the group that proposed the amendment to the Clarke County Code.

At 10:02 am, Chairman Staelin opened the public hearing for public comment. There being no persons present to address this matter the public hearing was closed.

Vice Chairman Shenk moved for a continuation of the public hearing until Tuesday, February 25, 2003, at 4:30 pm in the Board of Supervisors Meeting Room.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Public Hearing – Budget Reduction
 - Tom Judge

The Clarke County Board of Supervisors proposes to reduce expenditures in the Fiscal Year 2003 County Budget by \$254,467.

Tom Judge provided a brief overview of the proposed reductions. These reductions are a response to cuts from the State of Virginia of revenue to some of the operations. The list of reductions is available in the file in the February 2003 Board of Supervisors file.

At 10:09 am, Chairman Staelin opened the public hearing for public comment. There being no persons present to address this matter the hearing was closed.

Following discussion, Supervisor Hobert put forth “we resolve the Board of Supervisors reduce appropriations in the fiscal year 2003 budget to the following funds in the amounts stated:

- Reductions in the General Accounting Fund in the amount of \$225,838**
- Reductions to the Social Services Fund in the amount of \$23,629**
- Reductions to the Joint Services Fund in the amount of \$5,000”**

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

On a separate motion by Supervisor Hobert, be it resolved that the Board of Supervisors reduce the appropriations to the Fiscal Year 2003 General Fund Budget in the amount of \$21,052 representing the amounts appropriated for life insurance coverage costs now determined to me unneeded.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye

Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Public Hearing – Text Amendment – TA-02-07 – Continued From 1/21/02:
- Charles Johnston

The Clarke County Board of Supervisors will consider the amendment of:

- c. The County Zoning Ordinance, Section 3-A-1, the Agricultural-Open Space-Conservation [AOC] Zoning District and 3-A-2, the Forestal-Open Space-Conservation [FOC] Zoning District, and*
- d. The County Subdivision Ordinance, Section 7, Details of Plat Requirements and Section 8, Design Requirements.*

So as to establish a vegetated property buffer for parcels of less than 20 acres created after the adoption of this ordinance. TA-02-07

The Planning Administrator provided a brief overview of the above-referenced matter and noted the attendance of three members of the Planning Commission at the meeting.

At 10:20 am, Chairman Staelin opened the public hearing for public comment.

David Weiss, member of the Planning Commission, explained how the proposed text amendment was developed. He expressed a desire to keep buffers without causing additional expense and aggravation to the homeowners. He expressed his opinion that this was not a property rights violation since businesses are required to provide buffers.

Kathy Smart, member of the Planning Commission, stated she seconded everything Mr. Weiss said. In addition, she put forth if everything were taken away it would wreak havoc with the wildlife.

Anne Caldwell, member of the Planning Commission, urged the Board of Supervisors to adopt the proposed amendment stating she felt it consistent with the County's plan for development and preservation. This plan would allow the preservation of the unique agricultural nature of the County while accommodating growth.

There being no others present to address this matter, Chairman Staelin closed the public hearing.

Vice Chairman Shenk stated his support for the proposed amendment and his belief this was a positive move helping to preserve the bucolic beauty of the County.

Supervisor Hobert indicated his view had changed since the last meeting and he did now support the amendment with modifications. Under 3-A-1-F3 he would propose the following modification "provided no more land ... insert "trees or vegetation""; add after constructive use and maintenance add the word "of"; and add e) fences. He also wanted the removal of the requirement of Planning Department approval for the removal of invasive alien species.

Supervisor Byrd put forth her view this may be good for small pieces but not for parcels of 20 acres with a house and barn. She also put forth for consideration the use of herbicides by farmers to keep the fences "healthy". She agreed with Supervisor Hobert that fences needed to be included since these were used for pastures and her support of the amendment with the proposed modifications.

Following discussion, Vice Chairman Shenk made a motion to adopt amendment to the County Zoning Ordinance, Section 3-A-1, the Agricultural-Open Space-Conservation [AOC] Zoning District and 3-A-2, the Forestal-Open Space-Conservation [FOC] Zoning District, and The County Subdivision Ordinance, Section 7, Details of Plat Requirements and Section 8, Design Requirements. So as to establish a vegetated property buffer for parcels of less than 20 acres created after the adoption of this ordinance [TA-02-07] with

the modifications to the language: remove the use of “on the approval of the Planning Commission”; 3-A-1-F3 “provided no more land ... insert “trees or vegetation”; add after constructive use and maintenance add the word “of”; and add e) fences.

The motion was approved by the following vote:

Chairman Staelin	-	Nay
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Set Public Hearing – Rezoning [RZ-03-01]
- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Map so as to change the zoning designation on the following properties:

Tax Map #	Owner Name & Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
28-((A))-27	William Thompson 571 Berrys Ferry Road	12.53	Light Industrial	Agriculture	Agricultural-Open Space-Conservation
28-((A))-27A	Kenneth Conn Berrys Ferry Road	2.70	Light Industrial	Landing strip	Agricultural-Open Space-Conservation
28-((A))-27A	Kenneth Conn Berrys Ferry Road	3.50	Light Industrial	Landing strip Hangars	Neighborhood Commercial
28-((A))-27C	Norfolk Southern 713 Berrys Ferry Road	1.96	Light Industrial	Store/ Warehouse	Neighborhood Commercial
28-((A))-27C	Norfolk Southern 692 Berrys Ferry Road	0.17	Light Industrial	Old train station	Neighborhood Commercial
28A-((A))-4B	Lester Whitacre 650 Berrys Ferry Road	.59	Light Industrial	Storage	Neighborhood Commercial
28A-((A))-5	Richard Hunt 586 Berrys Ferry Road	0.80	Light Industrial	Residential	Rural Residential
28A-((A))-5	Richard Hunt 586 Berrys Ferry Road	0.43	Light Industrial	Greenhouse	Neighborhood Commercial
28A-((A))-6	White Post Supply Berrys Ferry Road	2.25	Light Industrial	Vacant	Rural Residential
28A-((A))-7	White Post Supply Berrys Ferry Road	1.54	Light Industrial	Vacant	Rural Residential
28A-((A))-34	Elizabeth Stuart White Post Road	.06	Rural Residential	Vacant Store	Neighborhood Commercial
28A-((A))-36	Elizabeth Stuart 221 Berrys Ferry Road	.07	Rural Residential	Vacant Store	Neighborhood Commercial
28A-((A))-61	John Bieschke 214 White Post Road	.12	Rural Residential	Vacant Store	Neighborhood Commercial
28A-((2))-3	Margaret Cuthbert 127 Berrys Ferry Road	1.95	Neighborhood Commercial	Residential	Rural Residential
28A-((2))-3A	TRS of Diocese of VA 192 White Post Road	.46	Neighborhood Commercial	Cemetery	Rural Residential
28A-((A))-56	White Post Supply 400 White Post Road	2.45	Rural Residential	Antique auto restoration	Neighborhood Commercial

all located generally on White Post and Berrys Ferry Roads in the community of White Post, Greenway Magisterial District. (RZ-03-01)

Charles Johnston provided a brief overview of the above-referenced matter.

Following discussion, Vice Chairman Shenk moved to set a public hearing for the zoning amendment for March 18, 2003 at 10:00 am, or as soon thereafter as the matter may be heard, in the Board of Supervisors’ Meeting Room of the Circuit Courthouse.
Approval of the motion was by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Ratification Of Committee Action:

Personnel:

- Item No. 1: Discussed employee evaluations.
- Item No. 2: Research appointments to ensure that no persons have been missed.

Work Session:

- Item No. 1: The status of school construction was discussed and a resolution was proposed and is included as No. 15 on this Agenda.
- Item No. 2: Communications have continued with regular discussion between boards.

Finance:

David Ash provided an overview of the Committee recommendations. The standing reports are contained in the February 2003 Board of Supervisors file.

Following discussion, Supervisor Hobert made a motion to adopt the following resolutions as recommended by the Finance Committee:

- Be it resolved that the Board of Supervisors amend the FY03 Budget by recognizing an additional \$7,358 in revenue and expense to complete the requirements of the Emergency Operations Planning Grant.
- Be it resolved that the Board of Supervisors amend the FY 03 Budget by recognizing an additional \$30,133 in revenue and expenditure to purchase equipment that will enhance the County’s ability to respond to emergency situations.
- “Be it resolved that the following Capital Projects Funds transfers be made from the stated capital projects to the General District Court capital project with the understanding that appropriations for these projects will be replenished from revenue received from the Industrial Development Authority upon completion of the General District Courthouse renovation project:

From Waste Transfer Station	\$40,000
From Auto Replacement	\$1,244

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Resolution Calling for the Joint Development of Information Pertaining to the Proposed Construction of Additional School Facilities in Clarke County.

- John Staelin

Chairman Staelin provided a brief overview of the following resolution. He stated upon discussing the similar resolution presented at the work session with Bent Ferrell, School Board Chair, Mr. Ferrell requested a change to Item No. 2 for inclusion of references to “mandated” and “architectural standards”. This change has been incorporated in the resolution below.

Resolution Calling for the Joint Development of Information Pertaining to the Proposed Construction of Additional School Facilities in Clarke County

Whereas Clarke County schools are crowded at both the high school and elementary levels, and

Whereas Clarke County is growing and student enrollment is likely to rise, and

Whereas the size and design of school facilities are important factors in the learning process, and

Whereas quality education is an important goal for the County and its citizens, and

Whereas the Clarke County School Board has said it will cost \$15,000,000 to build a new 750 student high school and modify the current High School for use as an elementary school, and

Whereas the School Board said it did not plan to have the new high school ready until the fall of 2007, but the school appointed School Growth Committee asked for faster action, and

Whereas that same School Growth Committee voted to endorse the School Board's plan as long as it was affordable to the community, and

Whereas, the overall economy is weak and state support for local programs has been falling, and

Whereas the weak economy has caused interest rates to fall to record low levels, and

Whereas the Board of Supervisors recognized the need for additional school capacity years ago and has already saved over \$1,000,000 for the project, and

Whereas the citizens of the County deserve not only a quality education for their children but value for their tax dollars, and

Whereas the proposed project would be the largest single expenditure in Clarke County history (nearly doubling its past record), and

Whereas a number of Clarke County citizens question the idea of building a new high school because they believe the same educational value could be attained for a lower cost by expanding the current High School and Cooley Elementary, and

Whereas the Board of Supervisors voted in July of 2001 to fund the total cost of both the demographic and engineering/architectural studies required to ensure that the most cost effective solution is selected to meet the future needs of the County's students, and

Whereas it is important that the citizens of the County be united not only in their support of education but in their support for this important project,

Now therefore, be it resolved that the Clarke County Board of Supervisors requests that the Clarke County School Board:

1. Meet with the Board of Supervisors to review the demographic forecasts before us and come to an agreement as to future projections.
2. Publish a list of the specific facilities they expect to have in the new High School. (i.e. the number and size of classrooms, labs, offices and indoor and outdoor athletic facilities. The list should also include size of the auditorium, library, cafeteria, band room, common areas, etc. as well as a prediction as to the amount of additional land, furniture, equipment and other furnishings that would have to be purchased. If any state mandated facilities are required they should be noted. Also, if there is a desire to follow any specific architectural standards such standards should be listed.)
3. Forecast the expected enrollment capacity of the old High School (once it is converted to an elementary school) and list the specific modifications to be made to the building to convert it to meet the needs of young students.
4. Work with the Board of Supervisors to jointly select an engineering/architectural firm to estimate construction costs for the proposed project. (This was the process that was used during the JWMS renovation project. Samaha Associates completed a study and projected how much the renovation project should cost. Its estimate was ultimately agreed to by both Boards.) Two options should be evaluated: 1) building a new High School and converting the old one and 2) expanding the capacity of both the current High School and Cooley to add the same facilities. All professional service costs associated with this work to be paid by the Board of Supervisors.
5. Work with the Board of Supervisors to jointly select and work with a financial consultant who can help us a) understand the long-term tax implications of various funding options and b) design a funding package that will minimize both the short-term impact of any bond issue as well as the long-term costs of financing. All professional services costs associated with this project to be paid by the Board of Supervisors.

ADOPTED: February 21, 2003

John Staelin

Chair, Clarke County Board of Supervisors

Supervisor Hobert moved to accept the resolution.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Report – Economic Development:
 – John W. Sours, Jr., Director

John Sours appeared to review his monthly report.

Resident's Guide

Mr. Sours provided a revised draft of the County Resident's Guide, which incorporated the changes requested at the last Board of Supervisors Meeting on January 21, 2003. Further suggested changes were the removal of the year on the front. It was further agreed by all to order 10,000 at an approximate cost of \$1,074. Vice Chairman Shenk indicated that no motion was required for final approval of this matter. Chairman Staelin asked Mr. Sours to follow up with Linda Coumes on the timing to ensure its distribution with the 2003 tax bills.

County Website Questionnaire

The questionnaire was reviewed by all present. There was some discussion regarding the inclusion on the website of the Board of Supervisors Agendas, as well as the Planning Commission Agendas. Chairman Staelin indicated his desire to see a disclaimer on the agendas indicating they were subject to change. Vice Chairman Shenk requested more information be included on the Agendas to provide better identification of the topics. Mr. Sours will follow up with Mark Seders on these suggestions.

Miscellaneous Items:

Alternate Meeting Date for Board of Supervisors:

Motion by the Board of Supervisors establishing 9:00 am of the Friday next following any regular meeting as the time and day to which any regular meeting is continued in the event the Chairman, or the Vice Chairman in the even the Chairman is unable to act, determines that weather or other conditions are such that it is hazardous for members to attend the regular meeting. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement will be required. In the event said day falls upon any legal holiday, the meeting shall be held on the next following regular business day without action of any kind by the Board of Supervisors.

Supervisor Byrd moved to establish the alternate date and time. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Committee action is "recommendation only" and is always followed up by action of the Board of Supervisors. Therefore, it is unnecessary to set an alternate date for Board of Supervisors Work Sessions, Finance and Personnel.

Real Estate Transaction Authorization:

Mr. Ash requested the Board amend the motion or adopt a second resolution that would authorize either Chairman Staelin or himself to execute a contract with the consultant or to perform the tests the Board desires to have done on the property.

Supervisor Hobert moved, subject to the acceptance by Allen Properties of the proposed amendment to their offer and the signing by the Chairman of that contract that our County Administrator be authorized to enter into a contract to proceed with the environmental or other studies as required by that contract upon consultation with the Chairman.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Sanitary Authority Proposed Resolution To Execute Support Agreement for Water Loan

David Ash presented the resolution for the Sanitary Authority. At the January 2003 Board of Supervisors Meeting, the Supervisors went through a series of resolutions authorizing a series of agreements for sewer and water lines. There were two separate sets of bond counsel; one for sewer one for water. McGuire Wood failed to provide the resolution authorizing the execution of the support agreement for the water line. The support agreement is required for closing.

The undersigned Clerk of the Board of Supervisors of Clarke County, Virginia, certifies that:

1. At a regular meeting of the Board of Supervisors of Clarke County, Virginia, continued until February 21, 2003, at the time and place established by the Board for such meetings, the following members were present and absent:

PRESENT: John Staelin, Philip Shenk, Barbara Byrd, J. Michael Hobert

ABSENT: A.R. Dunning, Jr.

2. A resolution entitled "RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN APPROPRIATIONS TO THE CLARKE COUNTY SANITARY AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE OF REVENUE BONDS OF CLARKE COUNTY SANITARY AUTHORITY TO VIRGINIA WATER SUPPLY REVOLVING FUND" was adopted by a majority of all members of the Board by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

Member		Vote
Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

3. Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the meeting on February 21, 2003.
4. This resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.
- WITNESS my signature and the seal of Clarke County, Virginia, this 21st day of February, 2003.

(SEAL)

Clerk, Board of Supervisors,

Clarke County, Virginia

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN APPROPRIATIONS TO THE CLARKE COUNTY SANITARY AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE OF REVENUE BONDS OF CLARKE COUNTY SANITARY AUTHORITY TO VIRGINIA WATER SUPPLY REVOLVING FUND

WHEREAS, the Clarke County Sanitary Authority ("CCSA") was created by the Board of Supervisors (the "Board") of Clarke County, Virginia (the "County") pursuant to the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended; and

WHEREAS, CCSA has determined that it is necessary and desirable to issue its Water System Revenue Bond, Series 2003, in the maximum principal amount of \$187,500 (the "Bond") and to use the proceeds thereof, along with other available funds, if any, to pay the costs associated with improvements to the Millwood/Boyce water line and related expenses (the "Project"); and

WHEREAS, the Bond will be sold by CCSA to or at the direction of the Virginia Resources Authority, as administrator of the Virginia Water Supply Revolving Fund ("VRA"), pursuant to the terms of a Financing Agreement (the "Financing Agreement") between CCSA and VRA to be dated as of a date specified by VRA;

WHEREAS, the Bond will be secured by a pledge of the Revenues (as defined in the Financing Agreement) derived by CCSA from the ownership and operation of CCSA's water system (as more particularly defined in the Financing Agreement, the "System").

WHEREAS, one of the conditions to VRA's purchase of the Bond set forth in the Financing Agreement is the execution and delivery of a Support Agreement (the "Support Agreement") among CCSA, VRA and the Board, under which, among other things, the Board will undertake a non-binding obligation to appropriate amounts to pay CCSA's Operation and Maintenance Expense (as defined in the Financing Agreement) and debt service and other amounts due under the Bond and the Financing Agreement

WHEREAS, the foregoing arrangements will be reflected in VRA's Commitment Letter dated October 18, 2002, as amended on January 16, 2003 (the "Commitment Letter"), the Financing Agreement and the Support Agreement, forms of which have been presented to this meeting and filed with the County's documents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CLARKE COUNTY, VIRGINIA:

1. It is determined to be in the best interests of the County and its citizens for the Board to cooperate with CCSA in satisfying the requirements set forth in the Financing Agreement, including entering into the Support Agreement.

2. In consideration of CCSA's undertakings with respect to financing the Project, the Chairman or Vice-Chairman, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of his approval of such completions, omissions, insertions or changes.

3. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Support Agreement on the County Administrator.

4. As provided by the Support Agreement, the Board hereby undertakes a non-binding obligation to appropriate to CCSA such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise during the term of the Support Agreement.

5. The Board, on behalf of the County, hereby agrees to the issuance of the Bond, provided that the principal amount of the Bond shall not exceed \$187,500.

6. This resolution shall take effect immediately.

ATTEST: February 21, 2003

John Staelin
Chair, Clarke County Board of Supervisors

Supervisor Hobert moved to approved the resolution. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

Summary Of Required Action:

1. For the real estate transaction, set public hearing, advertise and ensure it is on the Agenda prior to closing date tentatively scheduled for May 8, 2003.

David Ash
2. Get proposal from consultants on investigating environmental issues on the Allen property.

David Ash
3. Research requirements for public hearing on ford closings and coordinate with VDOT and Frederick County.

David Ash
4. Update County Calendar with public hearing on Blasting Ordinance and meeting continuation until Tuesday, February 25, 2003, 4:30 pm.

David Ash
5. Advertise public hearing for Zoning Amendment RZ-03-01 on March 18, 2003.

David Ash
6. Amend Rules of Procedure, as required, for inclusion of alternate meeting date.

David Ash
7. Provide copy of the Board of Supervisors Resolution Calling for the Joint Development of Information Pertaining to the Proposed Construction of Additional School Facilities in Clarke County to all School Board members.

David Ash
8. Place Discharge of Firearms in Densely-populated Areas on the Agenda for March 18, 2003.

David Ash
9. Prepare a proposed agenda format for on-line publication.

David Ash
10. Follow up with Linda Coumes on the distribution of the Resident's Guide.

John Sours

Supervisor Hobert moved to continue the meeting until Tuesday, February 25, 2003 at 4:30 pm. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Aye

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 11:45 am to reconvene on Tuesday, February 25, 2003 at 4:30 pm.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
February 25, 2003 Continued Regular Meeting 4:30 pm

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia continued from Friday, February 21, 2003, and reconvened on Tuesday, February 25, 2003.

Present:

Chairman Staelin, Vice Chairman Philip Shenk, Supervisor A.R. Dunning, Jr., and Supervisor J. Michael Hobert

Also Present:

Bob Mitchell, Charles Johnston, William Jones, Alison Teetor, Chuck Maddox, Ben Butler, David Carter, John Marsh, Val VanMeter, and other citizens and members of the press.

Call To Order:

Chairman Staelin called the meeting to order at 4:30 pm in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

The following amendments were made to the agenda:

(e) Add to Miscellaneous: Discussion on setting a public hearing on the acquisition of the Allen Properties.

Supervisor Hobert moved for approval of the agenda with the above-referenced change. The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Closed Session:

Supervisor Hobert moved to convene into closed session pursuant to Section §2.2.3711-A7 of the Code of Virginia, as amended, to consult with legal counsel.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Dunning moved to reconvene in open session. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Dunning moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Public Hearing – Prospect Hills Spring
 - Charles Johnston

The Clarke County Planning Administrator, Charles Johnston, provided a brief overview of the proposed ordinance below.

The Board of Supervisors proposes to amend the Clarke County Code by adding thereto a new section providing for the prohibition of the use of explosives in a defined area surrounding Prospect Hills Spring.

Proposed Ordinance

The use of explosives, as defined in §59.1-137, Code of Virginia, shall be prohibited in the area surrounding Prospect Hill Spring bounded as follows: Beginning at the intersection of Virginia Route 620 and the railroad right of way near the intersection of Virginia Route 620 with US Route 340; thence southwest along the south boundary of the railroad right of way to Virginia Route 723; thence southeast along the northeast boundary of Virginia Route 723 to the intersection of Route 723 with the southeast boundary of present Tax Parcel 29-A-16A; thence northeast along the southeast boundary of Tax Parcel 29-A-16A to its eastern corner; thence in a straight line from the east corner of Parcel 29-A-16A to the corner of the intersection of the boundaries of present Tax parcel 30-A-1B and present Tax Parcel 30-A-7; thence northeast along the common boundary of Parcels 30-A-1B and 30-A-7 to Virginia Route 620; thence north along the west boundary of Virginia Route 620 to the point of beginning.

Alison Teetor, Clarke County Natural Resources Planner, presented an overview of the County's efforts to protect the groundwater resources at considerable expense. She referred to several studies performed over the past two decades. She referred to the recent approval of Llama Subdivision where citizens expressed concern regarding possible contamination of wells due to blasting. While approval was given, it was passed with a no blasting ordinance. Ordinances of these types do not prohibit development; however, they do not allow blasting to help development. Ms. Teetor provided a memorandum dated February 24, 2003, which provides an historical overview of efforts to protect the Prospect Hills Spring, as well as other County-wide groundwater protection efforts. This memorandum is included in the record and may be viewed in the February 2003 Board of Supervisors file.

Harry Jones, Clarke County Sanitary Authority, stated the County had recently invested a great deal of money to protect the Spring. The Authority does not wish to have this valuable resource damaged or lost due to fractures caused by blasting in the area.

Brian Chrisman, Clarke County Health Department, expressed concerns regarding the possibility of groundwater contamination, sink hole creation and/or expansion as a result of blasting in karst topography. He further stated there were already restrictions in place in the Spring Conservation Overlay District regarding nearby development and land use activities. Mr. Chrisman provided a copy of his prepared statement, which is included in the record and can be viewed in the February 2003 Board of Supervisors file.

William K. Jones, a consulting hydrologist for the County, was introduced by Chairman Staelin. A copy of Mr. Jones biography is available for viewing in the February 2003 Board of Supervisors file. Mr. Jones provided a slide presentation featuring the characteristics of karst topography. Mr. Jones has been involved in local groundwater studies and has traced water flows involving Prospect Hill, Saratoga and Carter Hill springs. He opined that blasting in a karst setting such as Prospect Hill may disrupt the existing fracture network that transmits water to the spring. He provided a written report titled Possible Effects On Prospect Hill Spring From Blasting Within The Recharge Area. This report is included with the record and may be viewed in the February 25, 2003 Board of Supervisors file

At 5:35 pm, Chairman Staelin opened the public hearing for public comment.

Chuck Maddox, Gilbert W. Clifford, firm designer of record for the spring and engineer of record for the Boyce sewer system. Mr. Maddox stated blasting was essential in establishing these systems. He recalled that Perry Engineering performed the blasting. He provided a map of the area, which has been included in the record and can be viewed in the County Administrator's office at 102 North Church Street, 2nd Floor, Berryville, VA 22611. Mr. Maddox questioned the extent of the proposed restricted area and noted portions of the town of Boyce are within the that area. Currently, he represents developers who have plans to develop a 48-lot subdivision within the proposed restricted area that does require blasting. Mr. Maddox, when queried by Supervisor Hobert, stated that approximately 30% of the sewer trench in Boyce required blasting. The sewer lines went through the streets and some of the trenches were deep. Supervisor Dunning put forth the sewer line from Waterloo used little or no blasting using instead a diamond-tipped digger.

Mr. Maddox recalled when Prospect Hill was developed water lines placed all the way up to the Spring using normal blasting methods. The blasting was performed by RJ Ryder back in the '70's. Supervisor Dunning stated that the recent grout curtain was put in place to repair cracks some of which may have been opened by that blasting.

Ben Butler, attorney at law, appeared before the Board as a representative of Greystone Properties. Greystone feels the development in the Town of Boyce and their proposed blasting for sewer lines will not affect the spring. Let me just say first of all that I have listened with interest to what the two Mr. Jones have said. Mr. William Jones has raised the point that the real danger, if there is one, has to do with a northeast and southwest direction and that is completely opposite as I understand sitting back here and listening to what the problem is as it relates to the development by Greystone. Greystone has as many questions about how the Board came up with the areas, which you are proposing to be in this no blasting zone. It

appears the concern is the prospect of doing some damage, which they certainly would not want to do to the environment or to the Spring. It seems that blasting, if I understand Mr. Jones correctly, will not respect property lines and there is no way it can be contained by some property line. So, is it going to be contained by some road? It would seem what has happened here, and Greystone feels it wasn't just coincidence, is that Greystone submitted their plans for development and this Board is taking up an ordinance which will prevent them from developing the property. It is the taking of property. You have something here since 1987 called the Schnabel Report. I think if you are going to pass this it is very logical that you follow the Spring Conservation Overlay District. That seems to me to be a logical basis; that has been in place for several years and apparently worked. It does not seem logical, frankly, that you would say we are going to go 1,500 yards or put another way 4,500 feet because it targets certain properties that you have without any basis that I can hear of any engineering data. There's none. I understand what Mr. William Jones is saying; but I've got to believe, just from my experience as a human being here for 61 years that it sounds much like throwing a pebble into a pond. You get a sort of rippling effect. It doesn't all ripple out in one direction I don't believe. The second point is going to be it does dissipate over a certain distance and I think that it must also be important about how deep the blasting takes place. Because, if I blast at three feet as opposed to twenty feet, it seems to me there would be quite a bit of difference in how that reacts. Now, I didn't hear Mr. Jones address that question and maybe I should have taken geology in college. But, nevertheless, our point is that we feel at Greystone Properties that this ordinance is aimed directly at us. We don't think that what we propose to do is going to be outrageous. We would propose that you have a seismograph machine to indicate any level of vibration that might appear over what Mr. Maddox says is the 3,400 feet that it would have to travel. We don't believe that it is going to be. The second thing is, if I understand the situation, we would really be creating a better situation, because we aren't having drain fields. This project will have public water and sewer. I think Mr. Jones said one of the worries he had with drain fields is that you get this infiltration from the surface. You get contamination and you are avoiding that with what is being proposed. I would ask this Board to think seriously before it passes a flawed ordinance that appears on its face to be arbitrary just for the boundaries they have set out. David Carter is here, who works with blasting all the time and works for GeoDrill and I'd like to think he can answer some of the questions that you all might have that regard the technical side of this. Something I certainly can't answer. I'm just here today from the law side and I think it is flawed. Thank you for your attention.

David Carter, from Boyce and owner of GeoDrill, opined experts can control blast effects and the movement is felt for only a short distance. He, too, questioned the boundaries of the proposed restricted area.

George Ohrstrom, County resident, put forth his preference to “err” on the side of over protecting these valuable resources for Prospect Hill, as well as other groundwater resources throughout the County. He recalled the loss of Dry Marsh Run following blasting in that area.

There being no additional persons desiring to speak Chairman Staelin closed the public hearing at 6:09 pm.

For clarification, Supervisor Dunning briefly explained how the boundary was decided stating that a radial boundary is difficult to enforce, also noting the boundaries closely followed those used in the Schnabel Report.

Vice Chairman Shenk moved for a continuation of the Board’s discussion until Thursday, February 27, 2003, at 4:30 pm in the Board of Supervisors Meeting Room.

The motion was approved by the following vote:

- | | | |
|---------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Shenk | - | Aye |
| Supervisor Byrd | - | Absent |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |

Miscellaneous

Set Public Meeting for Acquisition of Allen Property

Supervisor Hobert stated that it had been agreed to extend us the 45-day study period on the contract. He proposed that a public hearing be held regarding the proposal prior to the end of 45-day study period in order to get community input prior to the point a decision is made by the Board. We have to have a public hearing on the issue of the budget due to the amounts involved.

Chairman Staelin indicated that the appropriation would eventually require a formal public hearing. He would like to have a public meeting to present the figures, as well as the logic behind the action and allow public comments. The public hearing could come later.

Supervisor Hobert moved to set a public meeting for public comment regarding the acquisition of the Allen Property for March 18, 2003 at 10:00 am, or as soon thereafter as the matter may be heard, in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 6:16 pm to reconvene on Thursday, February 27, 2003 at 11:00 am.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
February 27, 2003 Continued Regular Meeting 11:00 am

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia continued from Tuesday, February 25, 2003, and reconvened on Thursday, February 27, 2003.

Present:

Chairman John Staelin, Vice Chairman Shenk, Supervisor Hobert and Supervisor Dunning.

Also Present:

David Ash, Tom Judge, Ben Butler, Jim Vickers, Ed Breslauer, Charles Johnston, Val Van Meter, and other citizens and members of the press.

Call To Order:

Chairman Staelin called the meeting to order at 11:02 am in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Chairman Staelin corrected Item No. 3 stating that the public hearing had been closed on Tuesday, February 25, 2003, and this was a continuation of the discussion. However, Jim Vickers, Greystone Properties, would be appearing before the Board to address the blasting ordinance. He further stated any others who had new information could also speak.

Supervisor Dunning indicated he may have something under miscellaneous.

Supervisor Dunning moved to adopt the agenda as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Blasting Ordinance – Prospect Hill Spring

At 11:08, Chairman Staelin asked Mr. Vickers to speak.

Jim Vickers, Chairman of Oakcrest Builders and part owner of Greystone Properties, appeared before the Board. He stated that from the period they entered the agreement in May of 2002 until closing in January 2003 detailed research had been done on the property. During this research, they had not heard of anything regarding potential damage to the spring. In February 2003, they heard for the first time about the concerns regarding blasting on the property. He wished the Board to know they, too, were concerned about the potential impact on residents at Boyce Crossing by any damage caused to the spring. He stated Greystone would work with the contractors to protect the spring. Mr. Vickers further stated Greystone had conducted meetings with the Town of Boyce. Development plans had been adapted

accordingly and provided some examples of the changes made at the request of the Town. He informed the Board that an arborist had been hired to help preserve the oak trees. They have restrictions on the builders requiring protection of the trees and placement of the home.

Chairman Staelin asked if anyone else had “new” information to add. When no one responded, Mr. Staelin let Mr. Dunning speak.

Supervisor Dunning, Board liaison to the Sanitary Authority, provided some background as to how the danger came to his attention. He indicated that the State had mandated a sand filter. Also, how he had come to notice the rock on the property in question. He put forth that it was Board's responsibility to protect the spring and to set forth regulations. He further opined that he was equally worried about blasting on the roads in the recharge area. He stated dye tests have proven the water goes to all three springs in the area. He further explained that the regulations were to protect the developers, as well as the spring and the residents. Supervisor Dunning also put forth that both he and Charles Johnston worked with the Town of Boyce.

Vice Chairman Shenk thanked Mr. Vickers for his comments and expressed his desire to reach a middle ground. Supervisor Hobert opined that both individuals involved with Greystone have a good reputation. He further expressed that Mr. Butler had done a good job in presenting their concerns to the Board. He also stated he was supportive of development but the Board had a fiduciary concern to protect the spring. Chairman Staelin added that the County's Comprehensive Plan details protection of the water supply, as well as the encouragement of growth around our towns.

Following discussion, Supervisor Hobert moved that staff be given two weeks with our engineers and legal counsel to modify the proposed ordinance before us to:

1. Reduce the “no” blasting area to a circle around the spring that is large enough to include the entire overlay protection district, and

2. Implement specific rules for blasting in the remaining area described in the advertised ordinance. Such rules could include but are not limited to:
- Mandatory testing requirements and design standards that would insure all development is located and arranged in such a way as to minimize the need for blasting.

Performance Standards, provision for record keeping and procedures for inspection and monitoring.

Rules requiring the developer to pay for the services of any engineer, to be selected by the governing jurisdiction, who would approve any blasting plan prior to its implementation and would be present onsite during any blasting to ensure the blasting plan is followed.

A requirement that a bond be posted to insure adequate compensation is available in case there are any immediate problems at the spring.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Charles Johnston stated that there was a Planning meeting scheduled in the Town of Boyce for March 6, 2003. Chairman Staelin requested a status report from Mr. Johnston in a week. Supervisor Dunning explained that he was the Board liaison for the Town of Boyce, which also shares Charles Johnston, Planning Administrator.

Supervisor Hobert further moved that Pete Dunning, as our liaison to the Town of Boyce, work with Town officials to gather their input and support for any rules that might affect their jurisdiction.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Closed Session:

Vice Chairman Shenk moved to convene into closed session pursuant to Section §2.2.3711-A3 of the Code of Virginia, as amended, to discuss acquisition or sale of property.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Dunning moved to reconvene in open session. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Dunning moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

To further discuss the proposed blasting ordinance in the Prospect Hill Spring Area, Supervisor Hobert moved to continue the meeting until March 13, 2003, at 4:30 pm.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Next Meeting:

The next meeting of the Board of Supervisors is set for March 13, 2003 at 4:30 pm in the Board of Supervisors Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia.

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 11:56 am to reconvene on Thursday, March 13, 2003 at 4:30 pm.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS

March 13, 2003Continued Regular Meeting4:30 pm

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia continued from Thursday, February 27, 2003, and reconvened on Thursday, March 13, 2003.

Present:

Chairman John Staelin, Supervisor Byrd, Supervisor Hobert and Supervisor Dunning.

Also Present:

David Ash, Tom Judge, Alison Teetor, Charles Johnston, Gordon Matheson, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order:

Chairman Staelin called the meeting to order at 4:35 pm in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Supervisor Dunning requested the addition of one speaker during discussion of Item No. 3.

Supervisor Hobert moved to adopt the agenda as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Blasting Ordinance – Prospect Hill Spring

Chairman Staelin requested Charles Johnston, Planning Administrator, to provide a status report for the Board of Supervisors. Mr. Johnston stated that he had spoken with Chester Engineers and a representative from Schnabel, Gordon Matheson, was present to address the Board. Supervisor Dunning asked whether Schnabel was a potential source to write the ordinance and stated the County already had William K. Jones, a consulting hydrologist. Mr. Johnston stated that Dr. Jones had provided information from a hydrologist's viewpoint and what he needed from this point was someone with the ability to determine a plan for blasting. Also, dependent upon Board direction, their findings might warrant a county-wide blasting regulation to protect private wells.

Dr. Matheson stated he had reviewed the files and had looked at the site. He would also like to review the Jones report. He further stated during his twenty-five years of experience he has seen the impact of blasting on wells and springs here in the Valley, as well as neighboring States. In his expert opinion, he stated there are actually two risks to consider 1) quality of water, and 2) quantity of water. In his initial review of the area, he felt it would be a remote possibility that appropriate blasting would significantly impact the quantity of water. He noted

the groundwater was coming in from a wide, broad recharge area. Dr. Matheson stated water quality would be the greater risk. Blasting shakes loose silt, dirt and causing a turbid water supply. Water quality could be impacted from a few hours to a few months or longer. If these conditions last for any extended period of time, persons may be forced to re-drill wells.

Mr. Dunning cautioned Dr. Matheson that the County's concerns were not about any single development. What we wanted was an ordinance that would protect the spring, not stop a development. Dr. Matheson said he had probably misunderstood his mission and that he would have to rewrite his proposal.

Supervisor Byrd queried whether blasting for 48 houses didn't put this in a different league than blasting for a single dwelling. Dr. Matheson stated with expertise and current technology a blast can be designed to have a minimal amount of explosive going off at any one time. He did further note however that blasting with minimal amounts of explosives was not typical for residential development. Supervisor Byrd asked if there were other ways to remove the rock. Dr. Matheson stated they could use pneumatic hammers, which was more expensive and takes longer; however it is not without risk. With blasting, the impact is immediate; but the vibration of pneumatic hammers is steady and sustained over a longer period.

Supervisor Dunning requested that Dan MacKay-Smith be allowed to address the Board. Mr. MacKay-Smith stated that he was the owner of Farnley Farm, a family property. On this piece of property, there was a field called Springfield Pasture with two springs. Some years ago, a decision was made by the State to remove by blasting a large hill, which was approximately 1,200 feet from the Springfield Pasture portion of his property. Both springs in the pasture disappeared in one day and have never come back. Mr. MacKay-Smith also went on to tell Dr. Matheson about the recent installation of a grout curtain to repair and protect the Prospect Hill Spring.

Chairman Staelin stated the County needed to establish lines for a no blasting area and a restricted/limited blasting area in the Prospect Hill Springs area. Dr. Matheson indicated he and his firm have the experience to help the County develop the criteria for the ordinance including persons knowledgeable in blasting. Supervisor Dunning put forth that there is no ordinance in the country that has been written specifically for the protection of a spring and the County was in virgin territory.

Chairman Staelin stated that the Board needed to determine whether it wanted to develop another similar set of regulations to cover the rest of the County. Did we want, for example, to place restrictions on blasting within say 200 feet of private wells, springs or other water sources. He opined that as Virginia is a riparian rights state a landowner had no recourse if a neighbor's actions took all of his water. Thus, the landowner could not sue if a neighbor used large dynamite charges and ruined his well. An ordinance should minimize such danger and give the landowner some form of restitution if haphazard blasting techniques were used and caused damage. Chairman Staelin also stated that if the ordinance affected an area outside the already published area the Board would have to advertise for a new public hearing.

Chairman Staelin requested that Dr. Matheson provide a revised proposal with a "part b" outlining the work required for a County-wide ordinance for review by the Board of Supervisors during their regular meeting scheduled on Tuesday, March 18, 2003, and the item be added to the Agenda.

Supervisor Hobert asked for clarification on the charges for the services provided to date by Schnabel. Supervisor Dunning stated he did not feel obligated, while both Chairman Staelin and Supervisor Hobert felt further discussion was needed.

Closed Session:

Supervisor Dunning moved to convene into closed session pursuant to Section §2.2.3711-A6 of the Code of Virginia, as amended, to discuss the investment of public funds where competition or bargaining is involved.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Dunning moved to reconvene in open session. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Dunning moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Next Meeting:

The next meeting of the Board of Supervisors is set for March 18, 2003 at 9:00 am in the Board of Supervisors Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia.

Adjournment:

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 5:26 pm.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
March 18, 2003 Regular Meeting 9:00 am

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, March 18, 2003.

Present

Chairman John Staelin, Supervisor Byrd, Supervisor Dunning and Supervisor Hobert.

Also Present

Randy Kiser, Bob Childress, Ed Breslauer, David Ash, Tom Judge, Charles Johnston, Vicki Callen, Jim Wink, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:05 am in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add to Consent Agenda: Special Entertainment Permit for Tunes & Tastes Festival
Add to Miscellaneous: Discharge of Firearms – Direction to Robert Mitchell
Add to Miscellaneous: Future Hiring Freeze – Discussion
Add Closed Session: Blasting Ordinance - Discussion on proposal
Add Closed Session: Real Estate

Supervisor Dunning moved to adopt the agenda as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Approval of Meeting Minutes:

February 18, 2003 Regular Meeting

Supervisor Hobert moved to accept the meeting minutes as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

February 21, 2003 Continued Meeting

Supervisor Hobert moved to accept the meeting minutes as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

February 25, 2003 Continued Meeting

Supervisor Byrd noted a correction on Page 672 Book 17 in the meeting minutes for February 25, 2003. To the motion made by Vice Chairman Shenk for a continuation of the Board's discussion until Thursday, February 27, 2003, at 4:30 pm in the Board of Supervisors Meeting Room, the vote should read Supervisor Byrd – Absent and Supervisor Dunning – Aye.

Supervisor Hobert moved to accept the meeting minutes as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Abstained
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

February 27, 2003 Continued Meeting

Supervisor Hobert moved to accept the meeting minutes as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Abstained
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Consent Agenda

Authorization of Department of Justice Equipment Grant

David Ash, County Administrator, provided a brief overview of the grant authorization request. For additional detail, see the Ratification of Committee Action - Finance Section of this document.

Special Entertainment Permit – Tunes and Tastes Festival

Mr. Ash stated that the Free Medical Clinic had applied for a Special Entertainment Permit for their second annual International Tunes and Tastes Festival. John Burns, Festival Chairman, provided copies of the completed application packets to all members of the Board, which were included in the packets when distributed. The application was reviewed by the County Administrator's Office; and the necessary documentation was submitted and all required County officials had been contacted.

Supervisor Byrd moved to approve the Consent Agenda.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Citizen Comment Period

Dana Storm appeared before the Board to present a summary of the scholarship program sponsored by Piedmont Environmental Council [PEC]. PEC is offering scholarships for two persons to attend a program titled “Shaping The Future”, a geographically-focused course leading to a Certificate in Regional, Sub-regional and Community Land-use and Transportation Decision Making. This four-session course, offered by Lord Fairfax Community College at the Warrenton Campus, will be held on Wednesday’s April 16, April 30, May 14 and May 28 from 1 pm to 6 pm. These scholarships are being offered to both the Town of Berryville and Clarke County.

Chairman Staelin stated that he is familiar with this course and recommended it for its small group sessions and focus on the needs of the represented areas and ideas on implementation specific to the locality. Keith Dalton also felt this course would be good for the Town. Supervisors Byrd suggested that the County send some of its planners. Supervisor Dunning suggested that several persons from the Planning Commission could be sent.

Chairman Staelin requested that David Ash check the budget to see if the funds would be available to pay for additional attendees. Supervisor Dunning stated he would speak with Mr. Smalley, Planning Commission Chair. Due to class-size limitations, Ms. Storm did urge the Board to move quickly to ensure enrollment.

Virginia Department Of Transportation

- Randy Kiser

Randy Kiser provided his final report to the Board explaining that Bob Childress, who is familiar with the area, would be covering the vacant resident engineer position until a replacement was found.

Mr. Kiser stated during his update on Route 7 Business that he was still waiting for a reply from legal counsel. They continue to work with Audley Farms and have spoken with Keith Dalton, City Manager - Town of Berryville. Currently, there are three options for consideration one of which is to extend Jack Ender’s Boulevard. The Board and VDOT solicited feedback from Keith Dalton. Mr. Dalton stated he did not feel that the alternatives he had seen would work as well as the original plan. He feels that VDOT got the solution right the first time. Supervisor Dunning was also in support of this opinion.

On the recommendation of Mr. Kiser, Chairman Staelin requested that David Ash write a letter to Pierce Homer stating the County’s position on the options proposed for Route 7 Business.

Bob Childress stated the revenue sharing program deadline was March 28, 2003. He further stated that Keith Dalton, Town of Berryville, had participated in the program the previous year and as part of the program four sidewalks will be added this spring. VDOT is also responsible for maintaining the repair contract on South Buckmarsh and the repairs to the curb and guttering will begin later this year.

Bob Childress provided two handouts for better clarification and to aide the Board in their decision making on Project 0636-021-152 / Route 636 between Route 7 Business and Route 657. These improvements are specifically targeted for improvements to school access issues and safety. The current Six-year Secondary Road Plan has \$2MM set aside for this project. The Board reviewed the various options and will determine where they want to start first and

which of the options would be best. Supervisor Byrd requested a public meeting to discuss the proposals, as well as a mailing to affected residents.

Supervisor Byrd provided an update on the proposed Ford closings/abandonment. Supervisor Byrd reported that the affected residents on the Burnt Factory Road wished to keep the road open. However, the residents on 660 wish the Ford to be closed. Mr. Childress stated that the closings/abandonment went across county lines; therefore, the County of Clarke must provide written communication to John Riley, Frederick County Administrator, stating their willingness to abandon and their willingness have a public hearing. The Clarke County Board of Supervisors will need to pass two resolutions, which he will draft. Further, notices will have to be posted in the Clarke Times Courier and posted along the road they wish to close/abandon.

Supervisor Byrd apprised VDOT that some constituents had attended the February 21, 2003 meeting seeking to get a rustic-roads designation for Route 639 back on the docket. Mr. Childress indicated they could put this in for consideration.

Chairman Staelin expressed his appreciation to VDOT for their efforts during this winter's snowstorms, while not perfect, they moved fairly quickly. There were complaints about 606 being done slowly. Randy Kiser stated that the snow was so deep VDOT had to bring in larger trucks for the snow removal, which did cause delays.

The Board extended their congratulations to Mr. Kiser on his new appointment and best wishes for future success. Mr. Kiser thanked the Board for their cooperation over the years.

Public Meeting – Proposed Purchase of the Allen Properties

Chairman Staelin started the public meeting at 10:05 am. David Ash distributed to the Board of Supervisors 1) County Office Space Needs, 2) Comparison of Alternatives, and 3) Considerations for review.

Mr. Ash provided a brief history of the Space Needs Study Project.

The three alternatives for considerations were:

- 1) Purchase of Allen Property, or
- 2) Build a new structure for the County behind the Courthouse, or
- 3) Enter a joint building project with the Town of Berryville behind the Barns.

Although the County has already paid for the property, Supervisor Dunning requested that acquisition costs be included under No. 2. Chairman Staelin stated it was not additional costs. For Alternative No. 3, Mr. Ash explained that the acquisition costs would be paid to the Town of Berryville to cover the County's "fair share". Supervisor Dunning opined that while the numbers were "soft" it did provide some direction. He also stated that decisions had not yet been made as to whether the Treasurer and the Commissioner of the Revenue would be staying at the Circuit Courthouse if the County did relocate.

At 10:41 am, Chairman Staelin opened the public meeting for public comment.

Keith Dalton, Town Manager – Town of Berryville, appeared before the Board to voice his concerns. He stated that the County has not been hasty and believes they are doing what they can to meet the needs of the County. He expressed his appreciation of the good efforts made to keep the offices in downtown Berryville. However, he has a different point of view regarding the purchase of the Allen Properties. His primary concern is the removal of one possibly two viable commercial businesses from the tax roles; and given the size of the Town, the impact could be considerable. He also expressed concern for parking space and that the spread of County offices throughout the Town might lead to inefficiencies and difficulties in coordinating activities. He further explained that ADA compliance applies to the employees, as well as the public; and the County should still make the second floor of the Circuit Courthouse accessible.

Mr. Dalton requested that the County meet with the Town prior to making their decision on the purchase of the Crow Street property believing that a coalition between the County and the Town would make life easier for the citizens, save money, and improve efficiency and cooperation. Mr. Dalton put forth one suggestion that the Town could construct a building, which the County could lease. The building could be designed to allow for the Library and parking expansion.

Susie Bailey, Downtown Berryville Inc., stated that she agreed with Mr. Dalton and was concerned about the loss of commercial property and parking areas.

There being no other persons present wishing to address this matter Chairman Staelin closed the public meeting at 10:56 am.

Chairman Staelin thanked the speakers for their comments and stated that they would be taken under advisement. He opined that the Board needed to determine which offices would go into the Safeway building. He put forth the need to discuss the long-term plan for the approximately six-acre Primary School property. Keith Dalton expressed his agreement and stated this was an important discussion and plans were needed for that portion of the Town.

No action was taken on this matter.

Public Hearing – Rezoning [RZ-03-01]
- Charles Johnston, Planning Administrator

At 11:06 am, Chairman Staelin started the public hearing. Charles Johnston, Planning Administrator, provided a brief overview including color-coded maps explaining that the light industrial zoning, put in place some thirty years ago, no longer reflects current ideas for the area. Supervisors Byrd and Dunning both queried Mr. Johnston as to the support of the affected residents. Mr. Johnston stated that letters had been sent to all affected property owners and it was widely felt that the rezoning request reflected the existing use.

At 11:14 am, Chairman Staelin opened the hearing for public comment.

John Bieschke, White Post resident, appeared before the Board in support of the proposed rezoning. As for the light industrial zoning change, there has been no activity since some interest was displayed some years ago. The area currently has mostly residential traffic with only milk trucks, which are accepted as part of the agricultural nature of the area.

There being no other citizens present to address the matter Chairman Staelin closed the public hearing at 11:16 am.

Supervisor Dunning moved to amend the County Zoning Map so as to change the zoning designation on the following properties:

Tax Map #	Owner Name & Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
28-((A))-27	William Thompson 571 Berrys Ferry Road	12.53	Light Industrial	Agriculture	Agricultural-Open Space-Conservation
28-((A))-27A	Kenneth Conn Berrys Ferry Road	2.70	Light Industrial	Landing strip	Agricultural-Open Space-Conservation
28-((A))-27A	Kenneth Conn Berrys Ferry Road	3.50	Light Industrial	Landing strip Hangars	Neighborhood Commercial
28-((A))-27C	Norfolk Southern 713 Berrys Ferry Road	1.96	Light Industrial	Store/ Warehouse	Neighborhood Commercial
28-((A))-27C	Norfolk Southern 692 Berrys Ferry Road	0.17	Light Industrial	Old train station	Neighborhood Commercial
28A-((A))-4B	Lester Whitacre 650 Berrys Ferry Road	.59	Light Industrial	Storage	Neighborhood Commercial
28A-((A))-5	Richard Hunt 586 Berrys Ferry Road	0.80	Light Industrial	Residential	Rural Residential
28A-((A))-5	Richard Hunt 586 Berrys Ferry Road	0.43	Light Industrial	Greenhouse	Neighborhood Commercial
28A-((A))-6	White Post Supply Berrys Ferry Road	2.25	Light Industrial	Vacant	Rural Residential
28A-((A))-7	White Post Supply Berrys Ferry Road	1.54	Light Industrial	Vacant	Rural Residential

Tax Map #	Owner Name & Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
28A-((A))-34	Elizabeth Stuart White Post Road	.06	Rural Residential	Vacant Store	Neighborhood Commercial
28A-((A))-36	Elizabeth Stuart 221 Berrys Ferry Road	.07	Rural Residential	Vacant Store	Neighborhood Commercial
28A-((A))-61	John Bieschke 214 White Post Road	.12	Rural Residential	Vacant Store	Neighborhood Commercial
28A-((2))-3	Margaret Cuthbert 127 Berrys Ferry Road	1.95	Neighborhood Commercial	Residential	Rural Residential
28A-((2))-3A	TRS of Diocese of VA 192 White Post Road	.46	Neighborhood Commercial	Cemetery	Rural Residential
28A-((A))-56	White Post Supply 400 White Post Road	2.45	Rural Residential	Antique auto restoration	Neighborhood Commercial

all located generally on White Post and Berrys Ferry Roads in the community of White Post, Greenway Magisterial District. (RZ-03-01)

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Shenk
- Absent
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Hobert
- Aye

Ratification Of Committee Action

Board of Supervisors Work Session

The regular Board of Supervisors Work Session was not held for the month of March 2003.

Personnel

Appointment to Authorities, Boards and Commissions:

Committee/Board	Appointee	Expiration Date
Parks & Recreation Advisory Board	David Sheetz	12/31/04
<i>Mr. Sheetz is a new appointee to this board completing the un-expired term of Charles McIntosh.</i>		
Clarke County Library Advisory Council	Blakely R. Marcus	4/15/07
<i>Mr. Marcus is re-appointed to this council, which has a four-year term. His previous term ran from 3/21/2000 through 4/15/2003.</i>		
Clarke County Planning Commission	Robert Wade	4/30/2007
<i>Mr. Wade is re-appointed to this commission, which has a four-year term. His previous term ran from 4/20/99 through 4/30/03.</i>		
Clarke County Planning Commission	Robert Smalley	4/30/2007
<i>Mr. Smalley is re-appointed to this commission, which has a four-year term. His previous term ran from 11/21/2000 through 4/30/2003.</i>		

Supervisor Dunning moved to accept in whole all the appointments as presented.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Shenk
- Absent
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Hobert
- Aye

Finance

- 1) Grant program application. This item was approved under the Consent Agenda. The Finance Committee recommended the designation of the County Administrator as Agent for the County and authorization of the purchase of equipment from Fiscal Year 1999 funds in the amount of \$3,777.
- 2) The Finance Committee recommended that the Humane Foundation receive a refund of \$3,900 for payments to the County for zoning and site plan review fees.

Supervisor Dunning moved to accept in whole all the recommendations above and to adopted the following resolutions:

Be it resolved that:

The FY 03 General Government Capital Projects fund is amended to increase appropriations \$40,646, for expenses relating to the General District Courthouse renovations, and to acknowledge receipt of \$24,115 from the Commonwealth of Virginia, to partially offset such expenses.

That \$98,643 from existing appropriations in the general Government Capital Projects Fund be forwarded to the Industrial Development Authority with the understanding that revenue in the form of a development fee in the same amount will be paid to the County and appropriations restored.

That \$57,257 from existing appropriations in the General Government Capital Projects Fund be forwarded to the Industrial Development Authority with the understanding that revenue from the sale of tax credits in the same amount will be paid to the County of Clarke and appropriations restored.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Project Update

- David L. Ash, County Administrator

Millwood Sewer:

Final bids have been received on the laterals. The pictures have been taken and signs are up.

Courthouse Renovations:

The resolution reviewed and approved at this meeting that will allow the check to be written. Weather has caused delays.

Coiner House:

Since the Project Update Report was written, Charles Johnston has received the requested information from SPN. There were some changes mid-stream and the financial numbers were not given to Mr. Ash, which is what he needed.

Soccer Field:

No Change

Gypsy Moth Program:

Progressing quickly with many changes to report. The agreement has been received. The public notice is out, the meeting is scheduled for March 19, 2003, and the letters are out to affected property owners.

Animal Shelter:

Supervisor Byrd received a \$50,000 challenge grant. There was a meeting with Shockey. Bobbie Levi is in Richmond today to look at the animal shelter there to gather ideas.

Groundwater Study:

Mr. Ash provided the website address for anyone interested in viewing the well at Blandy Farm.

School Capacity:

At the time of the report, a meeting date had not been set.

Space Study:

No change.

Communications Tower:

Problems continue to baffle. There was an improvement, but the reception in certain areas of the County has degraded.

Business Park Road Water and Sewer Extension:

This project is back on target barring any possible delays due to weather.

Shrink/Swell Ordinance Report

- Alison Teetor, Natural Resource Planner

David Ash reviewed the Shrink/Swell Ordinance Report prepared by Alison Teetor. The report states that approximately half of the persons applying for a permit ask for the tests. Thus far, there have been few complaints; and they see no need to change the ordinance. Supervisor Hobert expressed his displeasure that the Board of Supervisors had requested that a database be developed and results and issues tracked. Carey Purvis, Code Official, has not yet developed this database and the information given is not based on documented fact. Chairman Staelin requested Mr. Ash to follow up with Carey Purvis on the database.

Bills And Claims

- A.R. Dunning, Jr.

Supervisor Dunning requested clarification from Tom Judge on two expenditures. Mr. Judge explained that one was an annual payment for a maintenance contract and the other a purchase for a Parks and Recreation program.

Supervisor Dunning moved to accept the Bills and Claims as presented for the month. Approval of the motion was by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board to summarize the monthly report of the Economic Development Office. Mr. Sours stated that the Residents Guide was ready for the press. The Treasurer requested 7,500 to be mailed with the tax bills and an additional 2,500 have been ordered for a total of 10,000 with an approximate cost of \$1,000 to print.

Miscellaneous Items

Discharging Firearms in Densely-populated Areas

Supervisor Dunning provided the background for this proposed ordinance. He received five to six complaints from County residents living in an established subdivision and without a homeowner's association. Apparently, a neighbor has set up a shooting range on a five-acre lot. The neighbors expressed concerns for safety and requested to know if a County ordinance would provide protection.

Supervisor Hobert suggested that the best option might be the creation of a Homeowners Association.

Chairman Staelin stated that if a Homeowners Association is not possible the County might define what constitutes a subdivision and let the homeowners vote to be covered by an ordinance. Mr. Staelin instructed David Ash to contact Bob Mitchell and provide the information gleaned from today's discussion to ensure the proper guidance is given in the development of the ordinance.

Hiring Freeze

Supervisor Dunning opined that the Board of Supervisors should put into place a hiring freeze for new County positions for the next year or two. If a department head needed to add a new position, it would require a public hearing and Board approval. This procedure would not apply for active positions that were vacated.

Chairman Staelin stated the County should be concerned with productivity. Chairman Staelin continued discussion on this topic to the next Board of Supervisors meeting and instructed Mr. Ash to draft a proposed motion.

Summary Of Required Action

- | | |
|--|--------------|
| 1. Check the budget to see if the funds would be available to pay for additional attendees for Shaping the Future certificate program. | David Ash |
| 2. Coordinate attendees with Mr. Smalley, Planning Commission Chair, for the Shaping the Future certificate program. | Pete Dunning |
| 3. Write letter to Piece Homer– VDOT. | David Ash |
| 4. Send mailing to affected persons for Project 0636-021-152 Route 636 Between Route 7 Business and Route 657 advising of project under consideration. | David Ash |
| 5. Work with Bob Childress and John Riley on notices, resolutions for Ford closings/abandonment. | David Ash |
| 6. Notify VDOT of interest in rustic roads. | David Ash |

- | | | |
|-----|---|-----------|
| 7. | Set a meeting date and time between the Town of Berryville and Clarke County to discuss space options. | David Ash |
| 8. | Send out letters of appointment | David Ash |
| 9. | Give additional instructions to Bob Mitchell on discharging firearms issues and creation of subdivisions. | David Ash |
| 10. | Add discussion of hiring freeze to the April 15, 2003 BOS Agenda and draft the motion. | David Ash |

Closed Session:

Supervisor Dunning moved to convene into closed session pursuant to Section §2.2.3711-A6 of the Code of Virginia, as amended, to discuss the investment of public funds where competition or bargaining is involved. §2.2.3711-A3, acquisition or sale of property

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Byrd moved to reconvene in open session. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Dunning moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Next Meeting:

The next meeting of the Board of Supervisors is set for April 1, 2003 at 7:30 pm in the Social Hall of John Enders Fire and Rescue, 9 South Buckmarsh Street, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 1:13 pm.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
April 1, 2003 Public Hearing 7:30 pm

Ender's Social Hall
9 South Buckmarsh Street
Berryville, VA 22611

At a meeting of the Board of Supervisors of Clarke County, Virginia, held at the Ender's Social Hall 9 South Buckmarsh Street, Berryville, VA 22611 on Tuesday, April 1, 2003.

Present

Chairman John Staelin, Vice Chairman Shenk, Supervisor Byrd, Supervisor Dunning and Supervisor Hobert.

Also Present

David Ash, Tom Judge, Linda Coumes, Eleanor Smalley, William Houck, Bent Ferrell, Michael McCall, Ed Breslauer, Jim Wink, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 7:31 pm.

Public Hearing: Proposed Budget for Fiscal Year Commencing July 1, 2003 and Ending June 30, 2004

Chairman Staelin introduced Tom Judge, Director Joint Administrative, as the County's chief financial officer. At his request Mr. Judge provided an overview of the budget highlights. Additionally, he explained that funding is being sought to cover the increase for health insurance renewal, which was budgeted at a 17% increase but actual is 24%.

At 7:40 pm, Chairman Staelin requested the County Administrator to read the Notice of Public Hearing and to read the names of the persons desiring to address the Board. Chairman Staelin set no time limit but did request that the speakers keep their comments brief.

At 7:42 pm, Chairman Staelin opened the public hearing for citizen comment. The following persons did appear to address the Board.

Susan Hill – Bluemont, Virginia. Ms. Hill read excerpts from an article on why experienced teachers were leaving the profession. She stated that quality public education is an investment in the future and Clarke County must become a leader in education. She asked the Board for their continued commitment to fully fund the schools.

Catherine Burzio – Berryville, Virginia. Ms. Burzio stated that she was here this evening to show her support for Eleanor Smalley. She has three children in the County school system. She encouraged the Board to attend the County's athletic programs. She opined the schools are in need of monetary support and need to have the proposed budget fully funded for the County has a great future in these children.

Andrew Kiser – teacher Johnson Williams Middle School and President of the Clarke County Educational Association. Mr. Kiser expressed his appreciation for the collaborative spirit of the Boards on the budget and for a fully-funded school budget. He thanked the Board of Supervisors for "stepping up to the plate" and expressed a desire for the two Boards to continue to work together to pressure the State to provide funding.

Chairman Staelin thanked the teachers in the school system for their hard work and asked Mr. Kiser to relay that comment back.

Darlene Lawrence – Berryville, Virginia. Ms. Lawrence stated that she was a relatively new resident to Clarke County. She has a child that has attended Johnson Williams and is now at Clarke County High School. She is very pleased with the teachers here and their dedication to the students. She extended her thanks to the Board of Supervisors for fully funding the school budget.

Gary Hornbaker – Berryville, Virginia. Mr. Hornbaker stated that he had six children in or who had graduated from the Clarke County school system. He stated that he had recently taken a three-day DECA field trip and is impressed by the dedication of the staff at Clarke County. He is involved with some of the committees formed to deal with discipline and safety in the schools and stated that he hoped the Board would take the opportunity to sit in on these meetings. He has also heard the need for a new high school discussed at many of these meetings and he urged the board to build the new high school. He expressed his thanks to the Board of Supervisors for fully funding the school budget and for supporting the teachers.

Rod Pierce – Berryville, Virginia. Mr. Pierce stated that he had come out to support the school system. He has two children who are products of the Clarke County school system. While he will not have any children in attendance next year, he would still like to see the school budget passed.

Robina Bouffault – Boyce, Virginia. Ms. Bouffault posed her questions to Tom Judge regarding the 26% increase in health insurance and how it would impact the budget. Mr. Judge briefly described some steps the County could take to fund the increase.

Jim Wink – Bluemont, Virginia. Mr. Wink stated that he would like to compliment the Boards on how well they have worked together on the budget. However, he does not like the budget and requested the County to delay the purchase of the Crow Street property. He also asked the Board not to raise his taxes, for, once raised, they would never go back down.

Gary Pope – President Clarke County Fire & Rescue Association. Mr. Pope asked to change the focus of the meeting to something other than the schools. He presented a letter to the Board of Supervisors requesting the inclusion in the budget of funding for two ALS positions. Currently, they are struggling to keep staff coverage at night pulling in staffing several nights per week from other areas, which are also under staffed. In the evenings, the County has ALS support approximately fifty percent of the time. The two requested positions would allow for 24-hour coverage.

Chairman Staelin put forth that the budget discussions had begun in January and he was only just hearing of their request this evening and requested a breakdown, which was provided and is included in the Board of Supervisors file for April 2003.

Jeff Callan – Berryville, Virginia. Mr. Callan stated that he was opposed to the purchase of the Crow Street property. While he does feel that office space is needed, the purchase of this property may not represent the best option. He encouraged the Board to think bigger.

Jay Arnold – Berryville, Virginia – Fire Chief Ender's Fire Hall. Mr. Arnold put forth that he supported the proposal by Clarke County Fire & Rescue. He opined they could not wait another year to fund these positions. He also expressed his appreciation for the incentives given to the Clarke County Fire & Rescue volunteers.

Chairman Staelin extended his thanks to Clarke County Fire & Rescue for their service to the community and recognition of their personal sacrifices.

There being no others present desiring to address the Board, Chairman Staelin closed the public hearing at 8:01 PM.

Chairman Staelin polled the Supervisors for any comments they wished to make. Vice Chairman Shenk stated that he was gratified the present budget was done without a lot of fireworks. He commented that tonight was the smoothest, calmest evening in his eight years of working with the budget. He thanked the Joint Budget Review Committee for the work they had done on the budget and noted the effectiveness of this committee was apparent. He extended his thanks to the individual members of that committee John Staelin, Mike Hobert, Bent Ferrell, and Michael McCall. He commented that the State has let the County down. Vice Chairman Shenk stated he was not happy about the deficit but he would probably support the budget. He remarked that Tom Judge's estimates were sound and he was more comfortable with this budget than any in the past. He noted that the County has school construction in the future, and tax rates would go up to fund the project and that a two-cent increase this year is a step in the right direction.

Supervisor Byrd stated she mirrored what Vice Chairman Shenk said and agreed this was the most pleasant budget season in her time on the Board. She commended the Boards for their ability to work together on this budget. Further, she commended the County Staff for their review of the budget and their ability to make difficult decisions regarding the proposed cuts. She agreed that the State is not supporting the County, as it should. She expressed her hope that the Boards would continue to be open-minded.

Public Hearing: Proposed Local Tax Levy for the Year Beginning January 1, 2003

Chairman Staelin noted that the public hearing on the proposed local tax levy had been advertised to start at 8:30 pm; and therefore, the public hearing could not be closed before that time. He went on to provide a brief overview of the proposed increase to those citizens and members of the press assembled.

At 8:05 pm, Chairman Staelin opened the public hearing for citizen comment. The following person appeared before the Board.

Jeff Callan – Berryville, Virginia. Mr. Callan put forth that he felt comfortable with a two-cent increase if the Board of Supervisors is comfortable with the increase. The increase will help with the building of the high school, which he hopes will get started soon. He also asked the Board to make some statement on the proposed construction of the high school so the public knows where they stand. Also, if the increase is needed for ALS, it is okay with him.

There being no other persons present desiring to address the Board, Chairman Staelin closed the public hearing at 8:31 PM.

Next Meeting:

The next meeting of the Board of Supervisors is a Work Session set for April 8, 2003 at 5:00 p.m. in the Board of Supervisors Meeting Room, Second Floor of the Circuit Courthouse, 102 North Church Street, Berryville, Virginia.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 8:32 pm.

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
April 8, 2003 Continued Regular Meeting 5:00 PM

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, April 8, 2003.

Present

Chairman John Staelin, Vice Chairman Shenk, Supervisor Byrd, Supervisor Dunning and Supervisor Hobert.

Also Present

Steve Hott, Rick Travers, Eleanor Smalley, Bent Farrell, Ed Breslauer, David Ash, Chuck Johnston, Tom Judge, Annette Gilley, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 5:02 pm.

Adoption of Agenda

Add to Miscellaneous – Philip Shenk
Add to Miscellaneous – Sanitary Authority

Supervisor Byrd moved to adopt the agenda as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Acquisition of Real Property

Supervisors Dunning and Hobert met with the Town of Berryville to review the joint venture proposed during the March 18, 2003 meeting of Board of Supervisors. Supervisor Hobert provided a written report, which is included in the April 2003 file of the Board of Supervisors.

Supervisor Dunning stated there could be a possibility that the lease could be extended on the office space the County currently rents. Supervisor Dunning expressed his desire for an extension of time, which would provide the Board greater flexibility.

Vice Chairman Shenk stated the Board must have an engineering study to get cost estimates for the various options so they can make an informed decision. He recalled the manner in which Chairman Staelin resolved the Millwood Sewer problem by looking at one solution instead of trying to solve all the problems at one time. Supervisor Byrd agreed with Mr. Shenk and further agreed that the Board needs direction.

Following discussion, Supervisor Hobert moved to decline proceeding with the option to purchase the Crow Street Properties at this time. Further to request an extension of the study period from the property owner for a period of 90 days. Finally, during this period, that a continuing study be done on all options for a long-term solution to the County's space needs.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Chairman Staelin requested that David Ash contact the County's attorney to inform him of the above motion.

Proposed Budget for Fiscal Year Commencing July 1, 2003 and Ending June 30, 2004

Chairman Staelin stated that he had requested Tom Judge to prepare the Fiscal Year 2004 budget in two ways and requested he distribute the version without the property purchase and without a tax increase.

The following adjustments were made and are reflected in the numbers below.

1. Recognize additional \$39,816 in personal property, PPTRA, and machinery and tools revenue based on revised estimates from the Commissioner of the Revenue.
2. Recognize additional \$40,076 in State revenue to the school operating fund after action by the Governor on funding of a salary increase for school employees of 2.25% and an increase in sales tax estimates.
3. Increase expenditure to the School Operating Fund in the amount of \$40,076 to partially offset the health insurance increase beyond the amount previously budgeted.

Without Crow Street Property renovations, the following changes are also reflected in the numbers provided.

1. Reduce Real Estate Revenue by \$214,636 and eliminate \$0.02 tax rate increase.
2. Eliminate capital project of \$450,000 for renovation of Crow Street.
3. Retain use of \$400,000 Industrial Park proceeds to offset local tax funding for capital.

These adjustments leave a budget surplus of \$2,556 for Fiscal-year 2004.

Chairman Staelin put forth there would most likely be a supplemental appropriation for Emergency Medical Services. He instructed Mr. Ash to work out the details with Gary Pope, President Clarke County Fire & Rescue Association.

Supervisor Dunning addressed the needs of the Sanitary Authority explaining they were putting in a screen at the Boyce facility for which an interest-free State grant would be available. However, would be lag time before the Sanitary Authority got the grant, which the County may have to cover until received.

Supervisor Hobert questioned Mr. Judge as to the current-year appropriation for the purchase of the Crow Street Property. Mr. Judge stated that if the property was not purchased than the appropriated funds would revert to the fund balance. Supervisor Hobert further queried whether the failure to raise taxes this year would exacerbate the problem with school

construction. Chairman Staelin opined if taxes were raised now, the additional money raised would not be available for school construction for the money would be requested for other things. Chairman Staelin also stated that he did not wish to raise taxes at a time when it was not necessary. He further expressed the opinion that government should not be in the business of purposely creating an unneeded surplus.

Budget Resolution

BE IT RESOLVED, by the Board of Supervisors of the County of Clarke, Virginia, in a meeting assembled this 8th day of April, 2003, a public hearing having been held on April 1, 2003, as required by statute, that the informative and fiscal planning budget for Clarke County for the fiscal year extending July 1, 2003 through June 30, 2004 be approved as follows:

Expenditure

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
Board of Supervisors	47,799	48,461	51,583	66,183	51,930	347
County Administrator	223,160	190,764	195,076	175,214	174,149	(20,927)
Legal Services	35,000	35,506	35,000	35,000	35,000	-
Commissioner of Revenue	176,087	167,543	173,106	168,993	173,047	(59)
Assessor	159,043	93,037	62,252	56,582	60,254	(1,998)
Equalization Board	3,653	3,063	77	77	-	(77)
Treasurer	195,138	185,422	207,516	190,924	193,655	(13,861)
Information Technology	25,414	11,440	133,806	132,346	168,584	34,778
Electoral Board	26,633	12,382	28,503	24,464	24,197	(4,306)
General Registrar	52,489	48,312	50,089	50,036	51,427	1,338
Circuit Court	9,680	7,601	10,770	10,770	10,770	-
General District Court	4,480	5,267	10,860	10,860	6,360	(4,500)
Magistrate	1,850	725	1,000	1,000	1,000	-
J&D Court	8,830	2,737	2,930	2,930	2,930	-
Clerk of the Circuit Court	57,366	45,845	58,405	57,166	65,450	7,045
Victim/Witness Coordinator	30,000	20,543	23,163	36,072	36,113	12,950
Division of Court Services	7,500	2,838	3,500	3,500	3,500	-
Blue Ridge Legal Services	1,021	1,021	1,021	1,021	1,021	-
Commonwealth Attorney	196,017	178,165	186,481	176,427	190,289	3,808
Sheriff	921,594	907,806	974,543	933,231	975,366	823
Criminal Justice Training Center	6,180	7,277	7,300	10,300	10,500	3,200
Drug Task Force	9,000	10,715	9,000	9,000	11,500	2,500
Emergency Medical Services	130,938	126,096	148,141	141,328	154,886	6,745
Volunteer Fire Companies	177,120	180,470	188,365	188,365	173,809	(14,556)
Lord Fairfax Emergency Medical Services	4,453	4,453	4,416	4,416	4,416	-
Forestry Service						

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	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
	2,000	1,880	1,880	1,880	1,880	-
Regional Jail	131,212	164,240	183,169	183,169	233,155	49,986
Juvenile Detention Service	54,340	54,339	15,293	15,293	36,629	21,336
Probation Office	2,002	7,772	2,010	2,010	2,010	-
Building Inspections	169,113	165,812	185,765	181,558	191,214	5,449
Animal Control	53,739	97,526	70,241	69,394	70,163	(78)
Game Warden	2,000	-	1,000	1,000	1,000	-
Medical Examiner	700	150	400	400	-	(400)
Civil Defense	6,000	1,542	5,500	-	-	(5,500)
Refuse Disposal	225,000	216,875	255,000	255,000	255,000	-
Litter Control	5,500	3,876	5,500	5,500	5,500	-
Sanitation	64,200	84,094	64,200	96,311	64,600	400
Maintenance/Buildings & Grounds	665,605	667,200	724,012	664,669	709,090	(14,922)
Local Health Department	158,248	158,248	159,965	163,924	165,000	5,035
Our Health	7,000	7,000	7,000	7,000	7,000	-
Northwestern Community Services	36,480	36,480	38,304	38,304	38,304	-
Northwestern Health Services	654	654	654	654	654	-
Concern Hotline	1,000	1,000	1,000	1,000	1,000	-
State and Local Hospitalization	4,910	2,352	4,910	4,910	4,910	-
Shenandoah Area Agency on Aging	9,500	9,500	9,500	9,500	9,500	-
Loudoun Transit Service	13,650	13,650	12,414	12,414	12,414	-
Heritage Child Care Center	6,000	6,000	3,000	3,000	-	(3,000)
Abused Women's Shelter	1,750	1,750	1,750	1,750	1,750	-
Access Independence (serves the disabled)	750	750	750	750	750	-
Disability Services Board	675	675	633	633	633	-
Lord Fairfax Community College	6,223	6,223	5,415	5,415	70,602	65,187
Tri-County OIC	1,800	-	-	-	-	-
Parks Administration	239,373	254,409	277,946	255,685	270,376	(7,570)
Recreation Center	75,282	71,036	84,932	82,925	80,346	(4,586)
Swimming Pool	74,064	58,778	77,341	70,255	64,710	(12,631)
Programs	217,958	172,693	200,962	200,738	205,939	4,977
Virginia Commission for Arts	2,000	2,000	2,000	2,000	1,000	(1,000)
Regional Library	177,601	177,601	139,177	139,177	139,177	-
Planning Administration						

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
	62,500	62,500	65,500	65,500	69,000	3,500
School Debt Service	1,333,675	1,334,026	1,301,162	1,301,162	1,303,390	2,228
Millwood & Waterloo Sewage Systems	1,781,101	214,208	-	-	-	-
Joint Administrative Services	366,890	352,641	362,539	357,539	366,653	4,114
Trigon	-		-	-	-	-
Unemployment Compensation	10,000	3,934	5,000	5,000	5,000	-
TOTAL EXPENDITURE	28,111,044	27,438,567	27,052,077	27,156,083	27,853,425	801,348
<i>Local Funds for Schools</i>	<i>9,372,947</i>	<i>9,406,815</i>	<i>10,016,213</i>	<i>10,055,383</i>	<i>10,232,723</i>	<i>216,510</i>
<i>Estimated Revenue Local Revenue</i>						
	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
Current Real Estate Taxes	6,948,447	7,369,317	7,479,571	7,479,571	7,729,000	249,429
Delinquent Real Estate Taxes	160,000	163,363	150,000	150,000	163,023	13,023
Land Redemptions	1,000	-	3,451	3,451	1,171	(2,281)
Land Use Rollback Tax	5,250	6,032	5,250	5,250	5,282	32
Proceeds from Delinquent Land Sale	6,500	17,384	6,559	6,559	8,692	2,134
Public Service Corporation Real Estate	299,171	333,455	407,801	407,801	301,155	(106,646)
Current Personal Property Taxes	359,188	1,659,153	1,305,951	1,305,951	1,307,572	1,621
Delinquent Personal Property Taxes	65,750	54,905	52,744	52,744	63,000	10,256
Mobile Home Taxes	2,489	1,883	2,144	2,144	1,784	(360)
Machinery and Tools Taxes	248,739	225,002	253,378	253,378	269,699	16,321
Delinquent Taxes on Machinery & Tools	2,500	-	-	-	-	-
Penalties (All Property Taxes)	92,115	105,655	95,567	95,567	96,550	983
Interest (All Property Taxes)	49,900	63,081	65,630	65,630	65,059	(571)
Administrative Costs Delinq	60	140	310	310	310	-
Sales and Use Taxes	539,900	624,972	650,000	650,000	565,000	(85,000)
Consumer's Utility Taxes	392,500	555,396	490,000	490,000	555,396	65,396
Consumption Tax	-	-	-	-	30,000	30,000
Business License Tax	15,050	19,630	20,000	20,000	20,000	-
Franchise License Tax	48,100	26,441	52,276	52,276	26,441	(25,835)
Motor Vehicle Licenses	192,325	203,551	205,000	205,000	205,000	-
Recordation Taxes	80,000	125,548	90,000	90,000	140,000	50,000
Taxes on Wills	4,775	5,819	4,300	4,300	4,300	(0)

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
Other Local Taxes	-	2	-	-	-	-
Transient Occupancy Tax	4,950	9,493	12,000	12,000	9,365	(2,635)
Animal Licenses	8,850	8,678	8,822	8,822	8,448	(374)
Land Use Application Fees	1,300	7,000	7,500	7,500	27,475	19,975
Transfer Fees	565	644	594	594	611	17
Zoning and Subdivision Permits	95,000	190,476	175,000	175,000	182,857	7,857
Building Permits	175,800	228,436	200,000	200,000	200,000	-
Road Sign Fees	-	200	-	-	200	200
Sign Permits and Inspection Fees	575	310	250	250	512	262
Weapons Permits	2,200	1,540	1,225	1,225	2,013	788
Other permits, fees, and licenses	588	100	500	500	488	(13)
Court Fines and Forfeitures	72,900	61,861	65,000	65,000	65,000	-
Courthouse Security Fees	-	-	-	-	16,012	16,012
Interest on Bank Deposits	324,400	254,608	378,884	378,884	170,000	(208,884)
Rental of Property	60,804	70,969	69,592	69,592	90,469	20,877
Sheriff's Fees	850	796	800	800	854	54
Commonwealth's Attorney Fees	300	385	297	297	341	44
Court Appointed Attorney	150	-	136	136	136	-
Jail Processing Fee		-		-	8,613	8,613
Jail Time Nonconsecutive	-	-	-	-	61	61
Emergency Medical Service - Berryville	31,000	31,000	38,950	38,950	38,950	-
EMS Fees for Service	-	-	20,000	20,000	-	(20,000)
Recycling Rebate	18,000	19,041	19,041	19,041	25,855	6,814
Recreation Center Fees	30,750	35,733	33,785	33,785	31,604	(2,181)
Swimming Pool Fees	66,250	79,171	79,175	79,175	74,461	(4,714)
Parks Programs Fees	201,500	220,677	250,000	250,000	204,673	(45,327)
Sale of Maps, Surveys, etc.	575	30	100	100	127	27
Sale of Publications	700	720	626	626	626	-
Engineer's Fees	-	-	-	-	2,027	2,027
Biosolids Application Fees	-	4,500	-	-	2,250	2,250
Gas Tax & Other Refunds	33,500	35,727	35,228	35,228	42,164	6,935
Gifts & Donations in Lieu of Taxes	-	2,500	-	-	2,500	2,500
Sale of Salvage & Surplus Property	-	6,066	4,119	4,119	3,033	(1,086)

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
Sale of Vehicles	-	-	2,088	2,088	2,088	-
Insurance Adjustments	-	-	3,094	3,094	3,094	-
Miscellaneous Revenue	19,000	20,829	45,001	45,001	25,000	(20,001)
Miscellaneous Revenue from Social Services	-	136	-	-	-	-
Loan Repayment	-	-	-	32,111	100,000	100,000
Cancelled Checks	-	-	-	-	-	-
Insurance Recovery	-	6,432	-	-	17,115	17,115
Regional Jail Reimbursement	-	-	-	-	-	-
Welfare	-	16,387	-	-	-	-
School Operations	153,100	311,055	163,400	163,400	221,188	57,788
School Cafeteria	385,314	387,856	453,075	453,075	473,302	20,227
Parks Programs	-	-	-	-	-	-
Drug Enforcement	-	1,845	-	-	-	-
911 Call Fees	190,000	177,890	220,000	220,000	198,264	(21,736)
Central Alarm - Berryville	2,000	-	2,000	2,000	2,000	-
Wireless E-911	34,737	113,842	34,248	34,248	34,032	(216)
911 Signs	-	854	1,000	1,000	1,000	-
General Capital Projects	200,000	59,491	145,000	145,000	220,000	75,000
School Capital Projects Proffers	-	12,241	-	-	-	-
School Bond Construction Fund	500,000	56,698	-	-	250,000	250,000
Parks Construction Fund	-	2,109	-	-	-	-
General Debt Service		1,607	-	-	-	-
School Debt Service	148,571	148,430	148,571	148,571	148,571	-
Millwood & Waterloo Sewerage Systems	1,781,101	10,000	-	-	-	-
Trigon Demutualization	-	3,562	-	-	-	-
TOTAL LOCAL REVENUE	14,059,089	14,162,649	13,959,029	13,991,140	14,465,805	506,777

Revenue From The Commonwealth Of Virginia

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
ABC Profits	23,000	25,163	22,364	22,364	19,990	(2,375)
Motor Vehicles Carrier's Taxes	20,950	19,994	22,000	22,000	21,285	(715)
Mobile Home Titling Tax	-	-	-	-	3,122	3,122
Tax on Deeds (Grantor's Tax)	120,000	129,031	100,000	100,000	129,000	29,000
Circuit Clerk Excess Fees		-				

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
	-		-	-	22,000	22,000
Other Non-Categorical Aid	-	75	-	-	860	860
Quarterly Rental Tax	3,050	3,253	2,754	2,754	2,754	-
Personal Property Tax Relief	3,232,692	2,013,804	2,592,410	2,592,410	2,595,627	3,217
Cash Surety Bonds	-	-	-	-	-	-
Commonwealth's Attorney	185,245	177,798	170,581	170,581	152,606	(17,975)
Sheriff	695,180	656,084	673,576	673,576	632,560	(41,016)
Commissioner of Revenue	93,500	67,846	88,834	88,834	73,136	(15,698)
Treasurer	97,894	92,934	99,246	99,246	78,545	(20,701)
Medical Examiner	150	60	150	150	120	(30)
Registrar	38,397	40,626	38,397	38,397	35,210	(3,187)
Clerk of the Circuit Court	4,000	3,262	3,705	3,705	3,329	(376)
CJS Grants for Law Enforcement	-	14,526	2,500	39,991	23,821	21,321
Emergency Services Grants	-	6,044	5,500	5,500	5,088	(412)
Juvenile & Domestic Relations	-	-	-	-	-	-
Litter Control	2,750	5,143	5,500	5,500	5,143	(357)
Other Categorical Aid	-	538	-	-	769	769
Fire Programs Fund	16,000	36,783	18,245	18,245	18,245	-
Virginia Commission for the Arts	1,000	-	1,000	1,000	-	(1,000)
Gypsy Moth Control	-	2,814	-	-	2,814	2,814
Division of Historic Landmarks	-	-	-	-	-	-
Welfare	752,551	839,936	1,073,566	1,073,566	1,011,608	(61,958)
School Operations	5,878,904	5,705,017	5,946,584	5,946,584	6,073,685	127,101
School Cafeteria	10,800	10,572	10,000	10,000	11,000	1,000
Comprehensive Services Act	296,982	185,829	350,816	450,632	399,214	48,398
Drug Enforcement Grant	-	2,690	-	-	-	-
General Capital Projects	-	73,091	-	-	-	-
School Capital Projects	303,383	291,203	277,008	277,008	277,008	-
School Debt Service	241,959	241,758	120,780	120,780	120,416	(364)
TOTAL COMMONWEALTH REVENUE	12,018,387	10,645,876	11,625,516	11,762,823	11,718,955	93,439
<i>Federal Revenue</i>						
	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
Payment in Lieu of Taxes	2,450	4,600	1,500	1,500	4,398	2,898

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
Crime Victims Assistance	30,000	20,429	23,190	36,140	36,113	12,923
Multi Agency Federal Task Force	-	6,678	6,410	6,410	6,410	-
Emergency Management Assistance	-	-	-	-	-	-
Local Law Enforcement Block Grant	-	-	-	-	-	-
Page Brook Watershed	-	1,033	-	-	-	-
Public Assistance and Welfare Admin	-	-	-	-	-	-
School Operations	570,245	806,379	808,700	808,700	832,300	23,600
School Cafeteria	115,000	126,138	115,000	115,000	127,000	12,000
TOTAL FEDERAL REVENUE	717,695	965,257	954,800	967,750	1,006,221	51,421

Budget Balance Procedure

	<i>FY 02 Original Budget</i>	<i>FY 02 Audited Actual</i>	<i>FY 03 Adopted Budget</i>	<i>FY 03 Revised Budget</i>	<i>FY 04 Proposed Budget</i>	<i>Variance 04-03 Adopted</i>
TOTAL EXPENDITURES	28,111,044	27,438,567	27,052,077	27,156,083	27,853,425	801,348
TOTAL REVENUE	26,795,171	25,773,782	26,539,345	26,721,713	27,190,981	651,636
SURPLUS (DEFICIT)	(1,315,873)	(1,664,785)	(512,732)	(434,370)	(662,444)	(149,712)
FROM FUND BALANCE	1,315,873	1,664,785	512,732	434,370	662,444	149,712
NET	-	-	-	-	-	-

Supervisor Dunning moved to accept the budget resolution as presented without the proposed tax increase.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Tax Rate Resolution

BE IT RESOLVED, by the Board of Supervisors of the County of Clarke, Virginia in meeting assembled this 8th day of April, 2003, a public hearing having been held on April 1, 2003, as required by statute, that the tax rates for calendar year 2003, to support the budget for Clarke County for the fiscal year July 1, 2003 through June 30, 2004, be and hereby are fixed at:

ALL TAX RATES ARE BASED ON EACH \$100 OF ASSESSED VALUATION

	<u>2003</u>
1. Real Estate, including the real estate of public service corporations**	\$ 0.74
2. Tangible personal property except machinery and tools and qualified Fire and Rescue Vehicles	\$ 4.00
3. Tangible Machinery and tools	\$ 1.25
4. Tangible personal property of qualified Fire & Rescue Vehicles	\$ 2.00

** Mobile Homes will be assessed as personal property, but taxed at the same rate as real estate.

Supervisor Dunning moved to approve the Tax Rate Resolution.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Appropriations Resolutions

1. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the following appropriations are hereby made for the period of July 1, 2003 through June 30, 2004, for the functions and purposes indicated:

General Fund

To be expended only on order of the Board of Supervisors:

<i>Direct Revenue to the General Fund</i>	\$ 5,891,702
<i>Total Appropriation</i>	\$ 5,891,702

Social Services Fund

To be expended only on order of the Board of Social Services:

<i>Direct Revenue to Social Services Fund</i>	\$ 1,011,608
<i>Transfer from General Fund</i>	\$ 300,494
<i>Total Appropriation</i>	\$1,312,102

School Operating Fund

To be expended only on order of the School Board:

<i>Direct Revenue to School Operating Fund</i>	\$ 7,127,173
<i>Transfer from General Fund</i>	\$8,787,603
<i>Total Appropriation</i>	\$15,914,776

Comprehensive Services Fund

To be expended only on order of the Comprehensive Services Board:

<i>Direct Revenue to Comprehensive Services Fund</i>	\$ 399,214
<i>Transfer from General Fund</i>	\$401,063
<i>Total Appropriation</i>	\$800,277

911 Fund

To be expended only on order of the Board of Supervisors:

<i>Direct Revenue to 911 Fund</i>	\$208,381
<i>Total Appropriation</i>	\$208,381

General Capital Projects Fund

For projects under General Government Capital Projects Budget to be added to continuing appropriations in the General Government Capital Projects Fund and to be expended only on order of the Board of Supervisors:

<i>Direct Revenue to General Capital Projects Fund</i>	\$220,000
<i>Transfer from General Fund</i>	\$213,117
<i>Total Appropriation</i>	\$433,117

School Capital Projects Fund

For projects under the School Capital Projects Budget to be added to continuing appropriations in the School Capital Projects Fund and to be expended only on order of the School Board:

<i>Direct Revenue to the School Capital Projects Fund</i>	\$527,008
<i>Transfer from General Fund</i>	\$410,717
<i>Total Appropriation</i>	\$937,725

School Debt Service Fund

To be expended only on order of the Board of Supervisors or School Board:

<i>Direct Revenue to the School Debt Service Fund</i>	\$268,987
<i>Transfer from General Fund</i>	\$1,034,403
<i>Total Appropriation</i>	\$1,303,390

Government Debt Service Fund

To be expended only on order of the Board of Supervisors:

<i>Transfer from General Fund</i>	\$69,000
<i>Total Appropriation</i>	\$69,000

Joint Administrative Services Fund

To be expended only on order of the Joint Administrative Services Board:

<i>Transfer from General Fund</i>	\$366,653
<i>Total Appropriation</i>	\$366,653

Unemployment Compensation Fund

To be expended only on order of the Board of Supervisors or School Board:

Transfer from General Fund	\$5,000
Total Appropriation	\$5,000

Teste:

David L. Ash, County Administrator

2. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the Treasurer of Clarke County, Virginia is hereby authorized to honor Cafeteria warrants drawn by the School Board of Clarke County for the fiscal year 2003-2004 to the extent of the balance in such Cafeteria Fund as of 30, June, 2003, plus such receipts as may be deposited during the Fiscal Year 2003-2004.

Teste:

David L. Ash, County Administrator

3. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the Treasurer of Clarke County, Virginia, be and hereby is authorized to honor Drug Enforcement Fund warrants drawn by the County of Clarke for the Fiscal Year 2003-2004 to the extent of the balance in such Drug Enforcement Fund as of 30, June, 2003, plus such receipts as may be deposited during the Fiscal Year 2003-2004.

Teste:

David L. Ash, County Administrator

4. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the Treasurer of Clarke County, Virginia, be and hereby is authorized to honor Sanitation Fund warrants drawn by the County of Clarke for the Fiscal Year 2003-2004 to the extent of the balance in such Sanitation Fund as of 30, June, 2003, plus such receipts as may be deposited during the Fiscal Year 2003-2004.

Teste:

David L. Ash, County Administrator

Supervisor Dunning moved that the Appropriations Resolutions be and hereby are made for the period of July 1, 2003 through June 30, 2004 for the functions and purposes indicated.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Clarke County Explosives Ordinance

Charles Johnston, Planning Administrator, provided a brief overview of the efforts to date and presented the proposed ordinance.

Chairman Staelin asked if any other affected property owners were present and invited them to speak.

Steve Hott, Mayor for the Town of Boyce, was present at the meeting. Mr. Hott stated he supported the proposed ordinance; and like John Staelin, he would like to see a county-wide ordinance to protect water resources as well.

Chairman Staelin stated that although it was the Board's intention to start by creating a special protected area for Prospect Hills the long-term goal was to create a county-wide ordinance to protect wells and other water resources from the potentially negative impact of explosive discharges. Upon consensus of the Board, Chairman Staelin requested that Mr. Ash and Mr. Johnston look at the issue with the aid of a consultant to get direction on development of a county-wide ordinance.

AN AMENDMENT TO THE CODE OF CLARKE COUNTY 8 APRIL 03

EXPLOSIVES

1. Purpose

Prospect Hill Spring is the public water source for the Town of Boyce and the communities of Millwood, Waterloo, and White Post. Use of explosives is hereby limited within the area of Prospect Hill Spring so as to protect the quality and quantity of spring water.

2. Definition

For the purpose of this ordinance "explosive" shall be as defined in §59.1-137, Code of Virginia.

3. Prohibited Area

Use of explosives is prohibited within the Spring Conservation Overlay District as described in section 3-E-2 of the Clarke County Zoning Ordinance.

4. Limited Area

Within the area described below and outside the Spring Conservation Overlay District, the use of explosives is allowed after submission and approval by the Clarke County Board of Supervisors (the Board) of a Blasting Plan that addresses the potential impact of the proposed blasting activity on the geology within this area:

Beginning at the intersection of Virginia Route 620 and the Norfolk Southern Railroad right of way near the intersection of Virginia Route 620 with US Route 340; thence southwest along the south boundary of the Norfolk Southern Railroad right of way to Virginia Route 723; thence southeast along the northeast boundary of Virginia Route 723 to the intersection of Route 723 with the southeast boundary of present Tax Parcel 29-A-16A; thence northeast along the southeast boundary of Tax Parcel 29-A-16A to its eastern corner; thence in a straight line from the east corner of Parcel 29-A-16A to the corner of the intersection of the boundaries of present Tax parcel 30-A-1B and present Tax Parcel 30-A-7; thence northeast along the common boundary of Parcels 30-A-1B and 30-A-7 to Virginia Route 620; thence north along the west boundary of Virginia Route 620 to the point of beginning.

5. Blasting Plan

The Blasting Plan shall include the following elements:

- a. Demonstration that the proposed improvements, including construction of buildings, earthwork operations, road construction, utility installation, and storm drainage/storm

water management facilities, for which blasting is to occur are located and designed so as to require the least intensive degree of blasting necessary and that it is necessary to remove the rock rather than relocating development improvements, changing elevations, etc.;

- b. Geotechnical investigation evaluating the impact of the proposed blasting on the quantity and quality of groundwater recharging Prospect Hill Spring. The investigation shall include electrical resistivity and/or seismic refraction testing to show the limits, hardness and characteristics of rock, location of voids, groundwater levels, etc. Test pit evaluation where improvements are planned may be required by the Board after its initial review and approval;
- c. A program for a pre-blast survey of existing water quality and quantity of Prospect Hill Spring and public utilities within the area defined in section 4 above;
- d. A blasting schedule identifying the location, size, and time period of blasting activities;
- e. A statement indicating that:
 - i) all blasting shall be done by licensed blasters and the contractor shall conform to all federal, state, and local laws and regulation regarding transportation, storage, and use of explosives; and
 - ii) the contractor shall be fully responsible and liable for all damage incurred to publicly owned facilities as a result of the contractor's use of explosives and blasting operations regardless of whether or not the contractor had complied with such federal, state, or local laws and regulations.
- f. A monitoring plan conducted by a independent third party,
- g. Blasting work shall be performed in the presence of a licensed blaster;
- h. Other requirements that in the opinion of the Board ensures protection of Prospect Hill Spring.

6. Insurance

The contractor shall take out and maintain, during the period of blasting operations plus 30 days, special liability and property damage insurance for all personal and property damage incurred as a result of the contractor's use of explosives and blasting operations. The Board shall approve the coverage and amount of such insurance. No explosives shall be delivered to the site until proof of such insurance coverage is delivered to the Board. If the coverage or amount of insurance is not deemed sufficient, a special bond covering the blasting operations may be required by the Board and the bond's costs shall be paid by the contractor.

7. Notice

All governmental agencies as required by law, including the Board, shall be notified before the period of blasting commences.

8. Review Costs

The Contractor shall pay the County's costs for professional consultant review of the Blasting Plan.

Supervisor Dunning moved to adopt the Explosives ordinance.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Miscellaneous:

Resignation of Vice Chairman Philip Shenk

Vice Chairman Shenk presented to Chairman Staelin a written notice of his intent to resign from the Board of Supervisors effective April 30, 2003. Mr. Shenk stated it had mostly been a pleasure to serve Clarke County as a Supervisor. He sited changes in his life that prevented him from donating as much time as he felt necessary to fulfill the duties of his office.

Supervisor Dunning stated that he had served with Mr. Shenk during his entire term and he was a bastion of common sense. He opined further that Mr. Shenk had done a tremendous job for the agricultural community and a leveling influence on the Board. Mr. Dunning went on to say that he wished Mr. Shenk great success.

Supervisor Hobert put forth that Mr. Shenk had brought balance to the Board. He further recalled that Mr. Shenk’s family has been serving the community for years and he would be missed.

Supervisor Byrd commented that the children involved with the Cooperative Extension 4H programs would miss Mr. Shenk. She commended him on his service to the County.

Chairman Staelin agreed that Mr. Shenk would be missed. However, he disagreed with him that he was not fulfilling his duties. He opined that Mr. Shenk has served his district well. Mr. Staelin stated that he [Philip] had done his fair share over the years. He also noted that Mr. Shenk was always concise, well prepared, and asked questions.

Chairman Staelin requested David Ash to run an advertisement requesting letters of interest from citizens in Mr. Shenk’s district to fill the vacancy with a deadline for responses of Monday, April 28, 2003. A meeting to review the letters of interest and possibly select an individual to fill the vacancy was set for 7:30 pm on Thursday, May 1, 2003.

Heavy Trucks on Secondary Roads

Supervisor Dunning observed that large trucks transporting rock to the landfill were causing damage to local secondary roads. He understands that the Landfill will be bringing up to 50,000 tons of rock for the catch basin. The rock is being transported from a quarry in Leesburg. These heavy trucks are cutting up Salem Church Road, Senseny Road and have destroyed the road to the Landfill. Mr. Dunning stated that he was told by the Department of Transportation there were no laws against this activity.

Chairman Staelin requested that Mr. Ash talk to the vendors and the Landfill to see if there was anything that could be done to keep these trucks on the primary roads. Mr. Ash stated that he had spoken with the Landfill; and they informed him that they had contracted with the quarry, which had in turn contracted the work to several vendors.

Summary of Required Action

- | | | |
|----|--|----------------------------|
| 1. | Contact the Robert Mitchell and convey to him the Board’s decision regarding the Crow Street Property. | David Ash |
| 2. | Work with Gary Pope on a supplemental appropriation for Emergency Medical Services. | David Ash |
| 3. | Work with a consultant to develop a County-wide ordinance to protect wells and other water resources from the potentially negative impact of explosives. | David Ash & Chuck Johnston |
| 4. | Place advertisement in the paper requesting letters of interest from residents in the Buckmarsh district to fill the vacancy created on the Board of Supervisors by the resignation of Philip Shenk. | David Ash |
| 5. | Place May 1, 2003 meeting on the County calendar for the purpose of reviewing letters of interest and possibly selecting an individual to fill the | David Ash |

vacancy.

6. Contact the Landfill to request that heavy trucks transporting rock to the Landfill use the primary roads wherever possible. David Ash

Next Meeting:

The next meeting of the Board of Supervisors is set for April 15, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room, Second Floor of the Circuit Courthouse, 102 North Church Street, Berryville, Virginia.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the public hearing at 6:27 pm.

ATTEST: April 15, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
April 15, 2003 Regular Meeting 9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, April 15, 2003.

Present

Chairman John Staelin, Vice Chairman Shenk, Supervisor Byrd, Supervisor Dunning and Supervisor Hobert.

Also Present

Bob Childress, Ricky Pope, Ed Breslauer, David Nelms, Alison Teetor, David Ash, Charles Johnston, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:10 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add to Miscellaneous: Announcements, Chairman Staelin

Add to Miscellaneous: Millwood Update, Alison Teetor

Add to Miscellaneous: Space Study, Supervisor Hobert

Add to VDOT: Update on Heavy Trucks on Secondary Roads Issue, Supervisor Dunning

Supervisor Byrd moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Approval of Meeting Minutes:

Continued Meeting: March 13, 2003

Regular Meeting: March 18, 2003

Public Hearing: April 1, 2003

Supervisor Hobert moved to accept the meeting minutes for March 13, 2003; March 18, 2003 and April 1, 2003 as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Consent Agenda

Northwestern Regional Juvenile Detention Center Resolution

David Ash presented a brief overview of the following resolution explaining that this was in recognition of the 5th anniversary of the Northwestern Regional Juvenile Detention Center.

RESOLUTION

WHEREAS, the Boards of Supervisors of Clarke, Page, Warren, Shenandoah and Frederick Counties and the Common Council of the City of Winchester do hereby recognize the 5th anniversary of the *Northwestern Regional Juvenile Detention Center* which opened December 8, 1997; and

WHEREAS, the Supervisors and Council members wish to hereby record their appreciation for the numerous accomplishments of the *Northwestern Regional Juvenile Detention Center Board, Superintendent and staff* during their first five years; and

WHEREAS, these members thank City of Winchester Mayor *Larry T. Ompps* who has served as Chairman of the Board since its creation, and the *Board Members* who have adroitly led the Juvenile Detention Center Board in efforts to provide policy guidance and leadership for the Superintendent and staff; and

WHEREAS, the Supervisors and Council members congratulate Juvenile Detention Center Superintendent *Robert S. Hurt* who has faithfully and diligently served the Center since its opening, and who has been integral to the opening of the Center, selecting the excellent staff, and developing the policy and procedures necessary to efficiently run a facility for detained youth; and

WHEREAS, these members do hereby record their appreciation to the *staff members* of the Juvenile Detention Center for their dedication to the facility and their caring efforts to work with the detained youth in our communities, and recognize the following staff members who have been with the Center since its opening—*Teresa Byrne, Janet Easterday, Shelby Feathers, Michele Hackney, Tammy Link, Erin Maloney, Mary-Helene Monroe, Kenneth Redman, Charles Shetler, Stephen Shiley, James Stevenson, Vincent Thompson and Duane Welsh*;

WHEREAS, we look forward to many more years of the type of quality service to our communities that we have witnessed in the Center's first five years;

NOW, THEREFORE, BE IT RESOLVED that the Boards of Supervisors and Council members, on behalf of the citizens we represent, do hereby record our appreciation to the *Northwestern Regional Juvenile Detention Center Board of Directors, Superintendent and staff* for their exemplary service to the youth of our communities and wish them a Happy 5th Birthday; and

BE IT FURTHER RESOLVED that the Clerks of the Boards of Supervisors and City Council are hereby directed to prepare an attested copy of this resolution for presentation to the *Northwestern Regional Juvenile Detention Center*.

ATTEST: April 15, 2003

John Staelin, Chairman
Clarke County
Board of Supervisors

Designation of Agent – FEMA Grant

David Ash provided an overview of the FEMA Grant. He stated that the Clerk to the Board of Supervisors was originally named as contact. However, upon the suggestion of FEMA, the agent should be the financial officer. Mr. Ash put forth the Tom Judge as the agent for both the County and the Schools, since he has access to the accounting records for both. As County Administrator, Mr. Ash will work Mr. Judge on this grant and will be present at the meeting.

Hickory Hill – Emergency Services Grant

David Ash distributed a copy of the contract to the Board of Supervisors. He stated he had read the contract and was recommending approval. Hickory Hill is a consulting firm and recommended by the Virginia Department of Emergency Management.

Vice Chairman Shenk moved to approve the Consent Agenda.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Hobert	-	Absent

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation

- Bob Childress, Assistant Resident Engineer

Bob Childress appeared before the Board to present the monthly update. Mr. Childress complimented Chairman Staelin’s representation of Clarke County at the VDOT Primary Highway meeting.

He stated the plans for Jack Enders Boulevard were to be reviewed and he will provide the Board a copy of the revised plans as soon as they are available. He would like to meet with the Board to discuss these prior to the conducting a public hearing on the matter.

For Route 636, David Ash and Supervisor Byrd will send a notification letter to the affected homeowners to solicit feedback. A determination will be required from the Board as to which plan should be followed and where to start. Mr. Childress stated homeowner yards and lots would be impacted.

Replacement of curb and gutter is in progress on Route 340 in Berryville. This is part of the VDOT maintenance program. Curb and gutter will be replaced from Taylor to Hermitage Boulevard. Also, repairs on the bridge over the Shenandoah River have begun.

Supervisor Dunning proposed abandonment of Route 644. David Ash indicated that he would speak with John Riley on this issue. Mr. Ash is currently working with John Riley, County Administrator for Frederick County, Virginia on the Route 660 closure.

Following discussion, **Supervisor Byrd moved to adopt the following resolution to serve public notice to close that portion of Route 660 as described below.**

The Board of Supervisors of Clarke County, in a regular meeting on the 15th day of April 2003, adopted the following:

RESOLUTION

WHEREAS, it appears to this Board that Secondary Route 660, from 0.43 mile North of Route 645 to the Frederick County line including the ford at the Opequon Creek, a distance of 0.17 miles, serves no public necessity and is no longer necessary as a part of the Secondary System of State highways.

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board’s intent to abandon the aforesaid section of Route 660, pursuant to §33,1-151 of the Code of Virginia of 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

Recorded Vote	
Moved By:	<u>Supervisor Barbara Byrd</u>
Yeas:	<u>Five</u>
Nays:	<u>None</u>

A Copy Teste:

John Staelin, Chairman

Clarke County Board of Supervisors

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Heavy Trucks on Secondary Roads

Supervisor Dunning requested an update from Bob Childress on the issue regarding the transport of truckloads of rock over secondary roads in route to the Landfill. Mr. Childress stated he was as concerned as anyone regarding the damage to the roads. However, as long as the trucks are obeying the laws, i.e. observing speed limits, stops, etc., there is nothing that can be legally done to stop the traffic. Ricky Pope, local VDOT Supervisor, has had a crew out to repair some of the damage. However, these are just temporary fixes until the activity ceases, which should be by the end of May. Supervisor Byrd opined the roads have already taken a lot of punishment due to the severe winter.

Business Park

Supervisor Dunning brought up issues regarding the road in the Business Park. Mr. Sours had relayed that VDOT changed the requirements, which will add additional, unbudgeted expense. Mr. Childress stated that tests were run to determine soil strength and the requirements were increased due to the characteristics of the soil, which is clay based. These revised requirements are consistent with the Phase 1 requirements for the Business Park road.

Further, Supervisor Dunning stated it had been brought to his attention that there were some problems with VDOT changing requirements after approving the site plans for Business Park owners. Mr. Childress indicated that he would follow up on this issue. He put forth the possibility that site plans may not have been received prior to breaking ground.

Chairman Staelin requested David Ash to follow up either with the Town of Berryville or Chuck Johnston about any issues surrounding timely receipt of site plans to VDOT involving any Business Park owners.

Chairman Staelin queried Mr. Childress as to the timing for the relocation of Route 601. Mr. Childress stated that meetings were scheduled for later this month. Mr. Staelin indicated that the Board had previously asked that mountain standards be used for this road.

Set Public Hearing – Rezoning RZ-02-02
- Charles Johnston, Planning Administrator

The Clarke County Board of Supervisors requests the rezoning from the Agricultural-Open Space-Conservation (AOC) Zoning District to the Highway Commercial (CH) and Historic Access Corridor Overlay District the properties identified as Tax Map Parcels 27A-((A))-7, 27A-((3))-A, B, & C, 27A-((A))-20 (portion), 27-((A))-10 (portion), and 27-((A))-12 (portion), totaling approximately 23 acres, located at the intersection of Routes 277, 340, and 522, Greenway Magisterial District, and as described in the Double Tollgate Area Plan. (RZ-02-02)

Chuck Johnston provided a brief overview of the above-described matter and provided aerial photographs. Chairman Staelin requested David Ash write a letter of thanks to Bonnie Jacobs for the photographs.

Supervisor Hobert moved to set the matter for public hearing on May 13, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Shenk
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Hobert
- Aye

Set Public Hearing – Text Amendment TA-03-01

- Charles Johnston, Planning Administrator

The Clarke County Board of Supervisors will consider the amendment of the: Clarke County Zoning Ordinance, Sections: 3-C-3 Supplementary Regulations for Development in Annexation Area B, and 9-B Definitions, so as to clarify the definition of Critical Environmental Areas and establish a definition for the term ‘Net Developable Acre’ in the Berryville Annexation Area. TA-03-01

Chuck Johnston provided an overview of the above matter. He indicated that Robert Mitchell, County attorney, had recommended the addition of a definition of the term “net developable acre”.

Supervisor Hobert moved to set the matter for public hearing on May 13, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Shenk
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Hobert
- Aye

Ratification Of Committee Action

Board of Supervisors Work Session

The regular Board of Supervisors Work Session was not held for the month of April 2003.

Personnel

Appointment to Authorities, Boards and Commissions:

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Library Advisory Council	Maxine Zimmerman	4/15/07
<i>Maxine Zimmerman is a new appointee replacing John Milleson on the Clarke County Library Advisory Council. This is a four-year term beginning 4/15/03.</i>		
Conservation Easement Authority	Jane Radford	12/31/05
<i>Jane Radford is reappointed to her second term on the Conservation Easement Authority. This will be a three-year term beginning December 31, 2005. Note: a clerical error caused a delay in the reappointment.</i>		

Thomas McFillen is currently the Planning Commission representative on the Conservation Easement Authority and his term expires April 30, 2003. Prior to making any decision, Chairman Staelin will seek direction from Mr. Smalley, Planning Commission Chair. Therefore, Chairman Staelin postponed action until the May 13, 2003 Board of Supervisors meeting.

Supervisor Byrd moved to accept in whole all the appointments as presented.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Review of Appointments and Commissions Database

The new database listing was reviewed and corrections noted. Vice Chairman Shenk made the suggestion to include districts for those boards and committees that require this information for appointments such as the Planning Commission, Parks and Recreation Advisory Board, etc.

Clarke County Conservation Easement Authority

Following discussion, Supervisor Dunning moved to have Supervisor Hobert and Supervisor Byrd approach the Town of Berryville regarding the addition of a person to the Clarke County Conservation Easement Authority and to submit names for consideration to the Clarke County Board of Supervisors.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Finance

No. 1 Contingency Transfers. David Ash stated he had reviewed the requests and recommended the transfers.

No. 2 Supplemental Appropriations. This supplemental appropriation is a direct result in cuts in State funding. Mr. Ash put forth this was an important study. Chairman Staelin explained that this money would complete the fourth year of the program. It was recommended that this appropriation be granted.

No. 3 Request for Refund of Fees Paid to the County by Free Medical Clinic. The Free Medical Clinic conducts the Tunes and Tastes Festival and this \$100 fee was charged for the Special Entertainment Permit. Mr. Ash stated the County has not refunded fees before. Chairman Staelin stated that the County contributes approximately \$7,000 per year to support Our Health, which funds the Free Medical Clinic. This action is not recommended.

Supervisor Dunning moved to accept in whole all the recommendations:

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Project Update

- David L. Ash, County Administrator

Mr. Ash stated that all outside projects have been delayed due to the weather.

Courthouse Renovations:

The contractors have been contacted regarding the unfinished yard. They stated the rain has kept them from finishing. Chuck Johnston put forth that SPN had relayed to him they want to complete the lawn, the concrete and asphalt work at one time. Supervisor Dunning put forth complaints that the carpets in the Courthouse were soiled due to the mud tracked in from the incomplete work. Mr. Johnston stated that he was brining in persons to clean the carpet and/or replace as necessary. The cost of this cleaning/replacement will be held from the final payment to the contractor.

Supervisor Dunning opined if the contractor did not complete as soon as possible, another contractor should be sought to finish the remaining work

Supervisor Dunning put forth that he had seen County employees smoking in the Arcade of the renovated courthouse. He requested that Mr. Ash speak to the Sheriff regarding enforcement of the No Smoking Policy and also the Constitutional Officers about the alleged infraction.

Soccer Field:

Vice Chairman Shenk stated due to the weather the soccer field could not be seeded so they may have to wait another year before it can be used.

Communications Tower:

A county-wide test will be conducted.

USGS Quarterly Report

- Alison Teetor, Natural Resource Planner

David Nelms appeared before the Board of Supervisors to present the Quarterly USGS Report. Mr. Nelms stated that they have installed a transducer at the Prospect Hills Spring and they were very interested in obtaining data from this source. What they are developing now [currently measuring pressure] is a rating curve to equate flow rate to height. They are also taking field parameters, which give different details that help to determine what features may be impacting water levels.

Mr. Nelms told the Board he has put in an application requesting additional money so they may acquire more data. He indicated, if the application were approved, his time and the site set up would be free. He will have to work on this at a secure facility in Reston.

Mr. Nelms attended a USGS meeting for those working in the Valley. They have come up with a proposal for the Eastern Region, which was submitted. This proposal includes persons from different disciplines, providing a wider scope. One of these persons is a fractured-rock geologist and is very interested in studying this area. Mr. Nelms should know whether the proposal has been accepted sometime in May 2003. If the proposal is accepted, it will make the project more formal and will provide more attention to the Clarke County area.

Another plus, if accepted, is the mapping of sinkholes. The study would include very detailed mapping of sinkholes. They have an expert with 27-years experience who is capable of evaluating and interpreting the imagery to determine the presence of sinkholes.

Mr. Nelms stated the drought is over. Most wells in the State have returned to normal or above or have risen. He said we have almost gone from one extreme to the other with water everywhere. He told the Board Blandy was back at normal levels. He stated measurements taken in December 2002 after the first snowstorm and the ice storm showed that water levels at Blandy shot up. When measurements were taken in January 2003, the levels were higher

than the October 2002 readings. The Northwest region of the County had the highest level of change. That is where it had been the driest. He stated they had seen twenty- to thirty-foot fluctuations in a matter of months to which he was unaccustomed. He further stated that sink holes can put water into the ground quickly.

Supervisor Dunning extended his compliments to Mr. Nelms for his presentation on the subject which was informative and of apparent interest to all those assembled. Supervisor Byrd expressed her gratitude to the County for implementing this study.

Supervisor Hobert queried Mr. Nelms on where the County could go with the information gathered and how it could be used. Mr. Nelms informed the Board there was a website with this data including color graphics like those distributed with the quarterly report. This website is getting more than two thousand "hits" per quarter. USGS and the County could involve the schools, the press, distribute fact sheets and conduct other outreach programs. Supervisor Hobert stated he would like to see how the results would be applied and reported.

Bills And Claims

- Philip Shenk, Supervisor

Vice Chairman Shenk reviewed the Bills and Claims for the month of April 2003 and found all to be acceptable.

Vice Chairman Shenk moved to accept the Bills and Claims as presented for the month.

Approval of the motion was by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Discharging Firearms in Densely-populated Areas

- A.R. Dunning, Jr., Supervisor

Mr. Ash stated that County Attorney, Robert Mitchell, had provided an analysis of the law but it was not complete.

This being the last Board of Supervisors meeting for Vice Chairman Shenk he wished to express his view on the topic. He stated this ordinance could not prohibit hunting but it could prohibit target practice. He also put forth that Clarke County does have a deer problem and he would request the Board to exercise caution when deciding this matter.

Chairman Staelin continued the discussion to the next regularly scheduled meeting of the Board of Supervisors.

County of Clarke – New Hire Freeze

- A.R. Dunning, Jr., Supervisor

Supervisor Dunning stated he has wanted a hiring freeze for County employees for the next two years. He cited problems with the economy and his desire for the County to be seen as a leader in controlling costs. He cited the space needs the County already faces and adding more employees would only increase the need.

Vice Chairman Shenk disagreed with the hiring freeze stating the Board already reviews new positions prior to being added to the budget. He sees this as adding layers of bureaucracy.

Supervisor Hobert queried those present as to the actual number of new positions created by the County over the past five years. Mr. Ash stated there has been an addition of an Information Technician, which is still in the review process. There have also been additions to Dispatch and Emergency Medical Services. The 911 staff was increased to allow for two-persons per shift in a department manned 24-hours per day. No new clerks or deputy sheriffs have been added. The County employs a large number of part-time employees in Parks and Recreation Department. Part-time employees are also used in the Gypsy Moth Program and the Commissioner of the Revenue's Office.

Chairman Staelin noted the proposed resolution states that there would be a moratorium. However, it also describes ways to go around the moratorium and sites practices that are already in place. Mr. Staelin stated that he felt the resolution would not add any value to the process.

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board to summarize the monthly report of the Economic Development Office. Mr. Sours distributed the new Resident's Guide to the Board. Today 7,500 Resident's Guides were delivered to Linda Coumes, Treasurer, for distribution with the local tax bills.

Chairman Staelin requested Mr. Sours have the listing of non-profits and community groups ready by the time the Guides were mailed, which should be the first week of May. Mr. Sours stated that he was working on this and they would be placed on the website including name, contact and description of service[s] provided. These will be added with the approval/consent of the organization.

Supervisor Hobert asked Mr. Sours if there were any problems at the Business Park regarding the roads and VDOT approval. Mr. Sours stated he did not have a firm figure yet for the cost of the additional requirements to the Business Park road. Once he gets the price, he will submit an appropriation to cover the increased cost. Mr. Sours informed the Board that he was aware of two cases in the Business Park where the engineer for the property owner failed to take into consideration the grading. He stated that VDOT approves the site plans generally but the on-site inspectors can make changes. The Dawson property is one of those cases and they will be responsible for payment of the road costs.

There was additional discussion on the opening of the hardware store, the valuation of the horses in Clarke County and the number of supportive activities to the horse industry.

Miscellaneous Items

Millwood Management Plan

Alison Teetor, Natural Resources Planner, explained to the Board that only the schedule was changed due to the weather. Mr. Ash stated should the rains continue the schedule might be changed again.

Vice Chairman Shenk moved to approve the changes to the Millwood Management Plan.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Space Study

Mr. Ash distributed the Notice of Termination sent Robert Mitchell, County attorney, to Allen Properties. Dr. Allen did not wish to grant a continuation without making the deposit non-refundable. Therefore the County terminated the contract. The Notice of Termination requests the return of the \$20,000 deposit.

Supervisor Hobert stated that professional help should be brought in to aid in the study. He opined the County's space needs are a problem and have been discussed for a long time without much progress. He requested that David Ash put together a flow chart detailing the options.

Vice Chairman Shenk advised that the County should secure an engineer to get professional advise on the feasibility and cost of an addition to the Circuit Courthouse and to meet with the Town of Berryville on a joint building. He opined that the Board needs an expert to give them firm figures.

Supervisor Byrd stated that the Space Study Committee was losing one of its members with the departure of Philip Shenk from the Board of Supervisors. She also put forth that the County should include additions to the Sheriff's building in the study. Supervisor Byrd would also include a review of the Berryville Primary School site.

Chairman Staelin continued discussion of this topic to the next regularly scheduled meeting of the Board of Supervisors or the next Work Session. Mr. Staelin instructed Mr. Ash to look at scheduling this issue.

Personnel Evaluation of County Administrator

Chairman Staelin reminded the members of the Board that he needed feedback from them to complete the annual personnel evaluation for David Ash. He stated he would call them or they could provide him with a written report.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Send letter and copy of Route 660 Resolution to John Riley.	David Ash
2.	Advertise Route 660 pubic hearing in Clarke Times Courier	David Ash
3.	Speak with John Riley about proposed abandonment of Route 644.	David Ash
4.	Follow up on complaints from the Business Park on changes being made after VDOT has approved site plan.	Bob Childress
5.	Follow up either with the Town of Berryville or Chuck Johnston about any issues surrounding timely receipt of site plans to VDOT involving any Business Park owners.	David Ash
6.	Coordinate with Supervisor Byrd mailing to affected persons in the Route 636 project area.	David Ash Barbara Byrd
7.	Advertise public hearings for TA-03-01and RZ-02-02.	David Ash
8.	Send appointment letters.	David Ash
9.	Make corrections to Appointments and Commissions database and add district information, where applicable.	David Ash
10.	Follow up on FEMA Grant naming Tom Judge as agent	David Ash
11.	Follow up on contract with Hickory Hills.	David Ash
12.	Write thank you letter to Bonnie Jacobs for aerial photos.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
13.	Follow up on smoking in arcade of the Old Courthouse.	David Ash
14.	Place on May 13 Board of Supervisors Agenda continued discussion of Space Study and Discharge of Firearms in Densely-populated Areas.	David Ash
15.	Schedule Work Session devoted to space study.	David Ash
16.	Compile a chart detailing options for space study.	David Ash
17.	Contact Robert Smalley, Planning Commission, on Conservation Easement Appointment for the term expiring 4/15/03	John Staelin
18.	Compile list of non-profits and community organizations including contact and description of service.	John Sours
19.	Coordinate with SPN completion of Courthouse project and have carpeting in courthouse cleaned/replaced and billed to SPN	Chuck Johnston
20.	Contact Town of Berryville to request names for consideration for the new vacancy on the Economic Development Advisory Committee and submit to the Board of Supervisors Personnel Committee.	Barbara Byrd Mike Hobert

Next Meeting:

The next meeting of the Board of Supervisors is set for May 1, 2003 at 7:30 pm in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 12:01 p.m.

ATTEST: April 15, 2003

John Staelin, Chairman

David L. Ash, County Administrator

Clarke County Board of Supervisors
May 1, 2003 Continued Regular Meeting 7:30 PM
Board of Supervisor's Meeting Room

At a continued regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, second floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Thursday, May 1, 2003.

Present:

Chairman John Staelin, Supervisor Barbara J. Byrd, Supervisor J. Michael Hobert, and Supervisor A. R. Dunning, Jr.

Also Present:

David Ash, Kathie Hamlin, Stephen F. Kuehm, Sherri Robertson, David S. Weiss, and Jerry Herrmann

Call To Order:

Chairman Staelin called the meeting to order at 7:30 p.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Agenda:

By consensus, the Board of Supervisors agreed that the sole item on the agenda would be consideration of candidates for the vacant position of the Buckmarsh Voting District Supervisor.

Introduction of Candidates for Buckmarsh Voting District Supervisor:

Chairman Staelin introduced the candidates in alphabetic order. Each candidate was provided an opportunity to make a short presentation or statement.

Closed Session:

Subsequent to the candidate introductions, **Supervisor Hobert moved to convene into closed session pursuant to Section §2.2.3711-A1 of the Code of Virginia, as amended, to interview candidates and discuss the appointment of a successor for the Buckmarsh Voting District Supervisor's seat.**

The motion was approved as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

In closed session, the Board interviewed each of the candidates individually in alphabetic order.

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the **media** desiring

to attend, **Supervisor Dunning moved to reconvene in open session. The motion carried as follows:**

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Dunning moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Action to Fill Vacancy in Buckmarsh Voting District Supervisor Position:

Having convened in open session, each board member commented upon the outstanding qualifications of each of the candidates. Members of the Board thanked the applicants for their time and interest in applying for the position adding that there were many agencies, boards and commissions that could benefit from their talents. Those applicants not selected for the Buckmarsh Voting District Supervisor position were encouraged to consider filling vacancies on other agencies, boards and commissions.

Supervisor Hobert moved to appoint David Weiss to fill the un-expired term of Philip Shenk - Buckmarsh Voting District Supervisor.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Action to Appoint the Buckmarsh Voting District Supervisor:

Upon being qualified and sworn in by the Clerk of the Circuit Court, Mr. David Weiss shall assume the responsibilities of the Buckmarsh Voting District Supervisor effective Monday, May 5, 2003.

General election for this office shall be held on Tuesday, November 2, 2003.

- Should Mr. Weiss determine not to run for election or should run unsuccessfully, his term of office shall expire Wednesday, November 3, 2003.
- Should Mr. Weiss determine to run for election and be successful, his term of office for the current appointment shall expire December 31, 2003.

Next Meeting:

The next meeting of the Board of Supervisors is set for May 13, 2003 at 9:00 am in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board **Supervisor Hobert moved to adjourn the meeting at 10:00 pm.**

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

ATTEST:

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
May 13, 2003 Regular Meeting 9:00 a.m.
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, May 13, 2003.

Present

Chairman John Staelin, Supervisor Byrd, Supervisor Dunning, Supervisor Hobert, and Supervisor Weiss

Also Present

Keith Dalton, Bob Kline, Bob Childress, Ricky Pope, Ed Breslauer, David Ash, Charles Johnston, Dana Storm, Helen Cottrell, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:01 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add to Consent: Adopt Proclamation declaring Salvation Army Week

Add to VDOT:

- Parking Issues in Green Hills
- Business Route 7 – Audley Farm Study
- 636 Letter

Add to Miscellaneous: Organizational Issues

Change from Public Meeting to Set Public Meeting – Conservation Easement Authority: Recommendation to Purchase Conservation Easements

Supervisor Hobert moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Continued Meeting: April 8, 2003

Chairman Staelin requested that the word "development" be removed from the first paragraph at the top of Book 17 Page 707

Regular Meeting: April 13, 2003

Continued Meeting: May 1, 2003

Supervisor Hobert moved to accept the meeting minutes for April 8, 2003 as amended and April 13, 2003 and May 1, 2003 as written.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Abstain

Consent Agenda

David L. Ash, County Administrator, presented the following proclamation, which the Salvation Army forwarded for consideration by the Board.

Salvation Army Week Proclamation

WHEREAS, a love for God and a desire to help others is the motivation behind the men and women of The Salvation Army; and

WHEREAS, The Salvation Army in Clarke County, Virginia provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis; and

WHEREAS, The Salvation Army serves as a symbol of compassion, but more so an active participant in the provision of services to thousands of Clarke County, Virginia men, women and children; and

WHEREAS, the Salvation Army has been providing these programs to residents for over 84 years; and

WHEREAS, the Salvation Army provides its services to people in need without regard to race, color, creed, sex or age; now

THEREFORE, the Clarke County Board of Supervisors does hereby proclaim May 12 through 18, 2003 as

SALVATION ARMY WEEK

I urge all our citizens to join me in honoring the dedicated men and women who work or volunteer for this fine organization and touch the lives of so many.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 13th day of May, 2003

John Staelin, Chairman
Clarke County Board of Supervisors

Supervisor Dunning moved to adopt the Proclamation.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation
- Bob Childress, Acting Resident Engineer

Bob Childress appeared before the Board to provide the monthly report.

Resident Engineer Assignment:

Effective May 12, 2003, Jeff Lineberry assumed the responsibilities of Resident Engineer for Clarke County. Mr. Lineberry had been the Assistant Resident Engineer in the Harrisonburg area.

Field Inspection of Jack Enders Boulevard:

The field inspection of the Route 700 area was conducted on April 17 and no major issues were noted. VDOT is waiting for feedback from Keith Dalton, Town Manager - Town of Berryville. There will be a public hearing in the first or second week of August, which will most likely be held at the Town Hall. VDOT does not anticipate a lot of opposition. There will be some easement purchases, however, they currently own most of the necessary right of ways.

Route 636:

There was a public meeting held on May 5, 2003, with the affected property owners with VDOT, David Ash, and Supervisor Byrd. Dr. William Houck was also in attendance as a representative of the School Board. From the citizen's comments during that meeting, it was determined that this issue required more discussion. Supervisor Byrd and Bob Childress had assured the property owners that the changes were not imminent as funds were not available to undertake all of the projects discussed. However, another department of VDOT sent out a standard letter informing the residents of a proposed survey. Mr. Childress has prepared a draft letter to be forwarded to those residents informing them that the survey was being put on hold. There are still many decisions to be made such as on which end should the work begin, should they only make spot improvements, put in a traffic light, more police presence to deter speeding, etc.

The Board engaged in considerable discussion regarding the proposed changes to Route 636 determining following action items:

1. Supervisor Hobert asked VDOT to prepare a concise statement including the pros and cons of each plan, why the changes were necessary and what are the alternatives.
2. Chairman Staelin requested that the issue be placed on the next Board of Supervisors Work Session agenda for June 9, 2003.
3. Supervisor Byrd asked each member of the Board to make a concerted effort prior to the June meeting to go out to the school during the morning rush to observe the traffic flow.

Bob Childress stated that he would attend the June 9 meeting.

Route 601:

There was a meeting between VDOT and Jim Looney on April 29, 2003. VDOT did convey to him the Clarke County Board of Supervisors request for the use of mountain standards and to be kept informed. The changes will be made under a land use permit, which VDOT will issue. The project timeline is to have everything completed by winter.

Route 7 Business – Berryville Truck Routes & Proposed Traffic Signal Analysis by Dexter R. Williams, P.E. for Audley Farm

VDOT has reviewed the above report but does not agree with its findings. VDOT maintains that a stop light for that intersection is still necessary. Piece Homer is setting up a meeting with Audley Farm's legal counsel to discuss the matter prior to moving forward. It is VDOT's desire to bring this matter to conclusion as soon as possible.

Chairman Staelin stated this matter needs to be resolved as quickly as possible for it is a dangerous situation with two recent deaths and, within a short timeframe, one other death, at this intersection.

Supervisor Hobert stated that the Board of Supervisors did not support Dexter Williams’ conclusion.

Supervisor Weiss queried Mr. Childress as to the affect of a signal light on eastbound traffic expressing concern that the installation of a light may cause delays in traffic flow. He also asked if there had been any discussion regarding the widening of the interchange. He further requested information on an acceleration lane, to which Mr. Childress stated that VDOT does not approve of acceleration lanes on this type of highway.

Supervisor’s Byrd and Dunning, while agreeing that the intersection is dangerous, wanted to ensure that the Board had considered all options; and each proposed possible alternate location for the signal light.

Bob Childress stated that widening the interchange would not be possible without rebuilding the entire intersection. Changes to the plan at this point would incur large expense. With VDOT standing by their original study, which recommends the installation of the signal light at that location, the Board would need to determine who would fund the alternate studies.

Keith Dalton, Town Manager – Town of Berryville, stated that the signal light was to have been installed last spring; and that the Town agrees that a signal light is necessary. Mr. Dalton stated that any design changes would cause additional delay. He thanked the Board of Supervisors for their support on this issue. He asked Bob Childress who would make the final decision. Mr. Childress stated that the final decision lay with the Department of Transportation.

Mr. Childress said the options in the Dexter Williams’ report are far more costly, not as effective, did not identify funds and would be years in the implementation.

Supervisor Hobert moved that the County Administrator draft a letter to the Department Secretary of Transportation from the Chairman of the Board of Supervisors expressing our continued support for the installation of the traffic light at this intersection according to previous studies by VDOT.

The motion was passed by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Abstained
Supervisor Dunning	-	Abstained
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Abstained

Six-Year Primary Road Plan

There will be a video conference on May 14, 2003 at the Harrisonburg office to review the Six-Year Primary Road Plan.

Route 644

Mr. Ash stated that he had sent a letter to John Riley, County Administrator for Frederick County, expressing the Board’s interest in closing this ford. Bob Childress spoke with the Resident Engineer for Frederick County and they had no problem with the proposed request. He will convey this to John Riley in a letter.

Public Hearing – Route 660 Closure

The Board of Supervisors of Clarke County, in a regular meeting on the 15th day of April 2003, adopted the following:

RESOLUTION

WHEREAS, it appears to this Board that Secondary Route 660, from 0.43 mile North of Route 645 to the Frederick County line including the ford at the Opequon Creek, a distance of 0.17 miles, serves no public necessity and is no longer necessary as a part of the Secondary System of State highways.

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of Route 660, pursuant to §33,1-151 of the Code of Virginia of 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

There being no additional comment from the Board Chairman Staelin opened the public hearing at 9:57 a.m. There being no persons present to address the Board Chairman Staelin closed the public hearing.

Supervisor Weiss asked Mr. Childress how the road would be closed. Mr. Childress stated that it would be gated and chained and maintenance on this section of road will revert to the surrounding property owners.

David Ash presented the following resolution.

The Board of Supervisors of Clarke County, in a regular meeting on the 13th day of May 2003, adopted the following:

RESOLUTION

WHEREAS, the public notice was posted as prescribed under §33,1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of the road described below from the Secondary System of State Highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 660 including the ford at the Opequon Creek, from 0.43 mile North of Route 645 to the Frederick County line including the ford at the Opequon Creek, a distance of 0.17 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED: this Board abandons the above described section of road and removed it from the Secondary System of State Highways, pursuant to §33,1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

Moved By: _____

Yeas: _____

Nays: _____

A Copy Teste:

John Staelin, Chairman

Clarke County Board of Supervisors

Supervisor Byrd moved to adopt the proposed Resolution.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Bob Childress stated that he would meet with Duval in approximately thirty days regarding the location of the gate.

Green Hill Parking Issue

Mr. Childress stated that he had received a letter from Keith Dalton regarding a safety concern at the Green Hill Cemetery and he would be meeting him following to the Board

meeting. The Town of Berryville is requesting that parking be restricted along the entire cemetery frontage. Mr. Childress stated that this area was located in the County not the Town of Berryville.

Chairman Staelin requested that the item be placed on the agenda for review at the June 17, 2003, Board of Supervisors meeting.

Landfill Truck Issue

Chairman Staelin requested an update on the heavy trucks using secondary roads to transport rock to the Landfill. He has heard that some citations had been issued for vehicles being overweight. Mr. Childress put forth that he had heard the Landfill was to complete the hauling by the end of May and that the trucks were being rerouted to Route 7 to I-81 to Sulfur Springs Road. VDOT has also made temporary road repairs.

Engine Brake Signs

Chairman Staelin queried Mr. Childress regarding the installation of Engine Brake signs on the Clarke County side of Route 7 since they were already located on the Loudoun County side. Mr. Childress put forth that the Engine Brake signs on the Loudoun County side shall be removed by July of 2003. There is no legal or regulatory basis to eliminate use of certain equipment and no proof that it improves conditions.

Litter Signs

Chairman Staelin put forth that the Litter Committee had put out No Littering signs, which they claim have resulted in a less litter. The Litter Committee has requested that more signs be posted. When queried by Chairman Staelin on how the County should proceed to make these signs official, Bob Childress stated that VDOT could permit these signs. The County must provide VDOT with the design and a list of locations. David Ash stated that he would furnish this information to the Litter Committee.

Children At Play

Bob Childress stated that these are not standard VDOT signs and are placed at the expense of the community or property owners and are not generally placed on VDOT right of way.

Public Hearing – Rezoning RZ-02-02

- Charles Johnston, Planning Administrator

The Clarke County Board of Supervisors requests the rezoning from the Agricultural-Open Space-Conservation (AOC) Zoning District to the Highway Commercial (CH) and Historic Access Corridor Overlay District the properties identified as Tax Map Parcels 27A-((A))-7, 27A-((3))-A, B, & C, 27A-((A))-20 (portion), 27-((A))-10 (portion), and 27-((A))-12 (portion), totaling approximately 23 acres, located at the intersection of Routes 277, 340, and 522, Greenway Magisterial District, and as described in the Double Tollgate Area Plan. (RZ-02-02)

Charles Johnston appeared before the Board and provided an overview of the proposed rezoning. Mr. Johnston noted the attendance of Bob Kline, Superintendent at White Post Correction Center.

Supervisor Byrd noted that the Planning Commission had not unanimously approved the amendment. Supervisor Weiss stated that he had originally been opposed to the rezoning; however, after additional research and discussion, he has withdrawn his objection. There was additional discussion on the sanitary services to the area. Chairman Staelin did state that at some point the County might have to put money up front to provide water and sewer. At present, there is a verbal agreement with Frederick County Sanitary Authority to provide sanitary services.

Chairman Staelin opened the public hearing at 10:28 a.m.

Bob Kline, Superintendent at White Post Correction Center, addressed the Board. He stated he viewed their relationship with the County as a partnership. He asked the Board to study the

traffic on Routes 277, 522 and 340 to ensure that the roads keep pace with planned growth. He sited the heavy truck traffic on these sections of road that should to be considered in road development. Mr. Kline commended the Board and the Planning Commission on their logical, development plan, which he feels makes sense and is well done.

Chairman Staelin thanked Mr. Kline for his comments. He noted that Mr. Kline has been extremely helpful and cited the work done by the residents of the correctional facility in picking up litter in the County. He stated that funds would be made available this summer for safety improvements to Route 277 and Route 340. While these improvements should ease the problem, it is not considered the long-term solution.

There being no other persons present to address the Board on this matter the public hearing was closed at 10:30 a.m.

After discussion by the Board of Supervisors on the merits of including the area of the Tax Map Parcel 27A-((A))-20 (portion), it was agreed by the Board that this section should be removed from the rezoning amendment. **Supervisor Dunning moved to approve RZ-02-02, as amended, excluding the area of the Tax Map Parcel 27A-((A))-20 (portion).**

The motion carried as follows:

- | | | |
|--------------------|---|-----|
| Chairman Staelin | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |
| Supervisor Weiss | - | Aye |

Public Hearing – Text Amendment TA-03-01
- Charles Johnston, Planning Administrator

The Clarke County Board of Supervisors will consider the amendment of the: Clarke County Zoning Ordinance, Sections: 3-C-3 Supplementary Regulations for Development in Annexation Area B, and 9-B Definitions, so as to clarify the definition of Critical Environmental Areas and establish a definition for the term ‘Net Developable Acre’ in the Berryville Annexation Area. TA-03-01

Chuck Johnston provided an overview of the above matter. He indicated that Robert Mitchell, County attorney, had recommended the addition of a definition of the term “net developable acre”.

Chairman Staelin stated that County regulations did not allow development within 100 feet of a sinkhole. Supervisor Byrd stated that the County is strong on protecting water and sinkholes get larger. Both Supervisor’s Byrd and Dunning expressed concern regarding possible ground water contamination from developing too close to the sinkholes.

Mr. Johnston stated that, currently, in this area there were no regulations as to development near sinkholes. This amendment would allow for a two-tiered approach to development, which would not allow any development within 25 feet and from 25 to 100 feet, development plans would be reviewed on a case-by-case basis. He further explained that they were still working on the regulations for the 25- to 100-foot area. The regulations will be discussed by the Berryville Area Development Authority [BADA] and presented to the Board of Supervisors in the next few months. At this time, BADA has not set public hearing on the issue.

Keith Dalton stated the Town of Berryville shares the concerns expressed by the Board. He would like the regulations to set up a clear step-by-step process a developer would have to take including the testing required to build in a karst environment. The Town does want a buffer but they want it to fit in with an urban setting. At this time, the Town has not approved the amendment.

At 10:47 a.m., Chairman Staelin opened the public hearing.

Dana Storm, Piedmont Environmental Council, addressed the Board. She informed the Board that on May 21 and 22 there would be a karst conference in Abingdon, where they would be addressing sinkhole issues. She suggested that interested members of the Board attend noting that representatives from the DEQ, EPA and the Terrain Institute would be present.

There being no other persons present to address the Board on this matter the public hearing was closed at 10:48 a.m.

Supervisor's Hobert asked what impact it would have if the building prohibition were extended to a 100 feet. Mr. Johnston stated that it would be more restrictive and it would have to be re-advertised. Also, they have learned there is a gradation, which is used in other jurisdictions. Supervisor Weiss stated that the discernable edge of a sinkhole is large and the proposed amendment would be in addition to that area.

Mr. Johnston put forth that Bob Mitchell, County attorney, had urged them to adopt this amendment. This amendment is a start, which provides a definition. It can be modified at a later date.

Supervisor Dunning opined that he felt it would be safer to start at a greater number and adjust downward, as deemed safe.

Supervisor Hobert moved to amend Clarke County Zoning Ordinance, Sections: 3-C-3 Supplementary Regulations for Development in Annexation Area B, and 9-B Definitions, so as to clarify the definition of Critical Environmental Areas and establish a definition for the term 'Net Developable Acre' in the Berryville Annexation Area [TA-03-01].

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Nay
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Supervisor Hobert moved to request the Berryville Area Development Authority to promptly give consideration to the area 25- to 100-feet from the discernable edge of a sinkhole with the idea that the Clarke County Board of Supervisors will promptly receive a recommendation for a supplementary regulation dealing with improvements or impacts upon critical environmental areas.

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Chairman Staelin asked Keith Dalton to relay this to the Town of Berryville with his hopes that they would make a similar request.

Set Public Meeting – Conservation Easement Authority: Recommendation to Purchase Conservation Easements

- Charles Johnston, Planning Administrator

Charles Johnston, Planning Administrator, provided a brief overview of the above matter explaining that it was the Conservation Easement Authority's desire to purchase easements in the Greenway Court area. Supervisor's Weiss and Hobert are on this Authority.

Chairman Staelin stated that he has received calls regarding this matter both for and against the purchase. Some constituents are uncomfortable with the amount of money to be spent at a time when funds are tight. Chairman Staelin suggested that an evening public meeting be held. However, the rest of the Supervisors felt that a day meeting would be fine.

Supervisor Dunning moved to set the matter for public meeting on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Chairman Staelin asked Chuck Johnston if the contract used would be accepted by the VOF. He also asked Mr. Johnston to clearly state how they would protect the historic buildings. Mr. Johnston stated that he would give a complete report at the next meeting.

Set Public Hearing - Special Use / Site Plan [SUP-03-03]

- Charles Johnston, Planning Administrator

Mr. Johnston appeared before the Board and provided a brief overview of the matter. He stated that he should be receiving a revised site plan within the next few days. The church wishes to build an addition, which will create the need for an access easement to the cemetery.

Mount Olive Baptist Church requests the approval of a Special Use and Site Plan amendment for an addition to the church located at 14401 Lord Fairfax Highway, Tax Map Parcel 28A-A-21 and a portion of 28-A-27, Greenway Magisterial District, zoned Rural Residential and Agricultural-Open Space-Conservation (AOC). SUP-03-03

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Text Amendment [TA-03-03]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the Clarke County Zoning Ordinance so as to delete the following district regulations:

- a. *Section 3-A-8, Older Person Residential (OPR);*
- b. *Section 3-A-15, Light Industrial District (IL); and*
- c. *Section 3-A-16, Heavy Industrial District (IH). TA-03-03*

Charles Johnston provided a summary of the matter. Currently, there is no property in Clarke County zoned heavy industrial and having this designation in the ordinance was unnecessary. Some property in White Post that was zoned for light industrial was recently rezoned. Currently, the Comprehensive Plan restricts light industry to the Town of Berryville. At this time, there are no older person residential requirements in the County. The Planning Commission could review if a need arose in the future.

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Text Amendment [TA-03-04]
 - Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Subdivision Ordinance sections 7-C-4, Documents to Accompany Record Plats and 8-J, Private Access Easements so as to modify the standards and review process for private access easements. TA-03-04

Mr. Johnston provided a brief overview of the matter.

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Text Amendment [TA-03-05]
 - Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the:

1. County Zoning Ordinance, sections 3-D-7, Vacation of Plats in the AOC and FOC Districts, and 9-B, Definitions, so as to address the vacation or merger of lots or parcels of land and to add the definition of the terms “Boundary Line Adjustment” and “Merger” and
2. County Subdivision Ordinance, section 2-B, Definitions, so as to add the definition of the terms “Boundary Line Adjustment” and “Merger” and delete the definition of the terms “Re-subdivide” and “Substandard Divisions”. TA-03-05

Charles Johnston, Planning Administrator, provided a summary of the text amendment. Mr. Johnston stated that Item No. 2 dealing with terms and passing this item was important to Bob Mitchell, Clarke County legal counsel. Supervisor Hobert stated that this was a very complicated matter and urged the Board to exercise caution on moving forward.

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

- Chairman Staelin
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Hobert
- Aye
- Supervisor Weiss
- Aye

Set Public Hearing - Clarke County Humane Foundation Site Plan [SUP-03-04]

- Charles Johnston, Planning Administrator

Charles Johnston provided a summary of the request by the Humane Foundation to change the site plan by the addition of eight more runs – going from 18 to 26.

Supervisor Hobert asked why the Board of Supervisors was considering setting public hearing prior to the Planning Commission’s public hearing, which is the accepted procedure. Supervisor Weiss concurred with Supervisor Hobert.

David Ash put forth that the project was being “fast-tracked” because it is a design/build contract that will move forward based upon contributions and the contributions depend on getting the change to a larger facility approved. Supervisor Byrd, Board of Supervisors Liaison to the Clarke County Humane Foundation, concurred with Mr. Ash, stating that they were adding an additional 892 square feet for eight additional runs. If the change is made at this stage, it will cost far less than building an addition at a latter date. Chairman Staelin said he did not like exceptions but supported this one as it would affect the Foundation’s fundraising.

Supervisor Byrd moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

- Chairman Staelin
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Hobert
- Nay
- Supervisor Weiss
- Nay

Shenandoah Area Agency on Aging Update

- Helen Cockrell, Director

Helen Cockrell, Director, appeared before the Board with the following support persons in attendance: Keith Dalton, Nick Nicodemus, Lisa Cooke, Bonnie Dodson, Dorothy Clarke, Roberta Lowder and George Grove. Ms. Cockrell expressed her appreciation for Lisa Cooke’s, Director Clarke County Parks and Recreation, help stating that Lisa absolutely exemplifies the cooperative spirit of the County. Ms. Cockrell thanked the Board of Supervisors for their contribution of \$75,000 to get the Senior Center project started. She also thanked the Town of Berryville for their \$5,000 contribution. She provided an overview of the Capital Campaign, which has secured a commitment from the Lions Club.

Ms. Cockrell provided census data showing the Clarke County’s senior citizen population at approximately 20%. She opined that the projections for the County were low for they do not take into consideration retirees that may move into the area.

Helen Cockrell also briefly detailed the services provided by the Agency, which include Meals-On-Wheels, center activities, homemaker and personal care services geared to extending the seniors independence. Their Agency has provided services for approximately 260 Clarke County seniors in the last year.

Triad, a grant through the Attorney General's Office, will be used to educate seniors on scams, identity theft and elder abuse. On June 19, 2003, at 3:00 p.m., Attorney General Kilgore will be at Clarke County Parks and Recreations to sign the grant.

Chairman Staelin stated they were a great group, who provide a wonderful service to the County. Their Board has been extremely active and they have committed employees, who truly care.

Consideration of Easement Request – Shenandoah Gas

- David L. Ash, County Administrator

David Ash provided an overview of the matter. The request is for the County to allow an easement. Supervisor Dunning stated that he believed this was a good idea for the future and that it should follow the established boundaries and be extended out to the road.

Chairman Staelin asked Mr. Ash to send a letter requesting the gas company extend the gas line to the road and to seek easements from the property owners of Lots No. Five and No. Six.

Following discussion by the Board, **Supervisor Dunning moved to approve the easement as requested conditioned upon the signing of access easements between the boundaries of Lot No. 6 and 7, and requiring the installation of a line between Lot No. 6 and 7 that extends to the road. Further, the Chairman of the Board be authorized to undertake such negotiations as are necessary to accomplish the intention of the Board.**

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Date for Review of Exemption Request from Regulation 12 VAC 5-31-1250 [Specifically Section #3]

- David L. Ash, County Administrator

David Ash provided an overview of the request. Regulation 12 requires that ALS providers must be an EMT. This prohibits volunteers that are cardiac technicians or paramedics from providing care if there is not an EMT present. The Clarke County Emergency Medical Services is requesting that the Board provide them with a waiver from this rule. The Board must notify the EMS Board 30 days prior to the review.

Following discussion by the Board, **Supervisor Byrd moved to set the matter for Board review at the next regularly scheduled Board of Supervisors meeting scheduled for June 17, 2003.**

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Discussion Of Committee Action

Board of Supervisors Work Session

The regular Board of Supervisors Work Session was not held for the month of May 2003.

Personnel

Appointment to Authorities, Boards and Commissions:

Committee/Board	Appointee	Expiration Date
Conservation Easement Authority	Patsy McKelvy	4/30/04
<i>Patsy McKelvy is appointed as the Planning Commission Representative to the Conservation Easement Authority. This is a one-year term expiring April 30, 2004.</i>		
Clarke County Historic Preservation Committee	David Y. Boyce	5/31/07
<i>David Boyce is reappointed to the Clarke County Historic Preservation Committee. This will be a four-year term beginning May 31, 2003 and ending May 31, 2007.</i>		

Supervisor Dunning moved to accept in whole all the appointments as presented.

The motion carried as follows:

- Chairman Staelin
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Hobert
- Aye
- Supervisor Weiss
- Aye

Finance

The regular Finance Committee meeting was not held for the month of May 2003.

Project Update

- David L. Ash, County Administrator

Due to time constraints, Chairman Staelin asked the Board if they had any specific issues regarding the Project Update report, which was included in the Board packet. The Board had no questions regarding the update.

Courthouse Renovations:

Mr. Ash put forth that the remaining work on the grounds and sidewalks was finally in progress making the selection of an alternate contractor unnecessary.

School Construction:

Chairman Staelin distributed the School Construction Planning Draft 5/12/03. Mr. Staelin stated that he and Bent Ferrell, School Board Chair, had agreed in concept to the plan detailed. The plan needs to have a schedule developed. There was a section added to include VDOT input for transportation issues. This plan will provide a framework for the Boards to move ahead.

Bills And Claims

- John Staelin, Supervisor

Chairman Staelin reviewed the Bills and Claims for the month and has a couple of questions. Tom Judge is out of town and unavailable to provide the answers. If the answers are unacceptable, Mr. Staelin stated he would bring them up at the next meeting. No other issues were found.

Supervisor Byrd, who was scheduled to review Bills and Claims for May, will perform Chairman Staelin's next review, which is scheduled for June.

Chairman Staelin moved to accept the Bills and Claims as presented for the month, subject to the answers provided by Tom Judge.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Discharging Firearms in Densely-populated Areas

- A.R. Dunning, Jr., Supervisor

Mr. Ash stated that County Attorney, Robert Mitchell, had provided an analysis of the law. Mr. Mitchell does not believe the creation of homeowner's associations would solve the problem. Supervisor Hobert stated that any ordinance would complex and additional information would be required. The language in any ordinance adopted would be dependent upon the wants of the majority of the residents in the area to be defined.

Supervisor Dunning stated that he would speak with the group requesting this ordinance to see what area and what specific language they would like in such an ordinance.

Space Study

David Ash put together a list of what he believed to be the issues and distributed to the Board. Supervisor's Byrd and Dunning requested an in depth review of the handout and requested that this be reviewed at the June 9 Board of Supervisors Work Session if time allowed. Chairman Staelin requested that Space Study be placed on the June 17, 2003, Board of Supervisors Agenda.

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board to review his monthly report. Mr. Sours provided graphs to demonstrate the level of use of the County's website. Upon final review by the Commissioner of the Revenue, the local tax rates and fee schedules will be placed on the website

Chairman Staelin requested that Mr. Sours provide the Board with graphs for the Industrial Park detailing the number of lots, dollars, and pay back on investments.

Miscellaneous Items

Blasting Issues:

Chairman Staelin requested an update from Charles Johnston on the proposed County-wide blasting ordinance. Mr. Johnston stated that he had a meeting scheduled with Rick Travers, Chester Engineering, for this evening and he hoped to have a draft to the Board by the next regularly scheduled meeting.

Organization Issues

Introduction of David Weiss – Buckmarsh Voting District

Supervisor Dunning introduced David Weiss as the new Buckmarsh Voting District Supervisor filling the un-expired term of Philip Shenk.

Election of Vice Chair

The resignation of Philip Shenk from the Board of Supervisors left a vacancy in the position of Vice Chair to the Board.

Supervisor Byrd moved for the Board of Supervisors to elect J. Michael Hobert as Vice Chair.

The motion carried by the following recorded vote:

- Chairman Staelin - Aye
- Supervisor Byrd - Aye
- Supervisor Dunning - Absent
- Supervisor Hobert - Aye
- Supervisor Weiss - Aye

Clarke County Historic Preservation Commission Award

Chairman Staelin announced that the Board of Supervisors had received an award from the Clarke County Historic Preservation Commission for the renovations of the Old Courthouse. The Commission had also been complimentary of the Board about the museum.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Forward approved Proclamation for Salvation Army Week	David L. Ash
2.	VDOT to prepare a report stating the pros and cons of each plan that included why the changes were necessary and what are the alternatives for Route 636.	VDOT
3.	Route 644 Closure: convey to John Riley in a letter the comments of the Resident Engineer for Frederick County indicating they had no problem with the proposed request.	VDOT
4.	Business Route 7 - Draft a letter to the Department Secretary of Transportation from the Chairman of the Board of Supervisors expressing continued support for the installation of the traffic light at this intersection according to previous studies by VDOT.	David L. Ash
5.	Place Route 636 discussion on the next Board of Supervisors Work Session agenda for June 9, 2003.	David L. Ash
6.	Each member of the Board visit the school on Route 636 during the morning rush to observe the traffic flow.	All Board Members
7.	Forward approved Resolution of Route 660 Ford Closure to VDOT and John Riley.	David L. Ash
8.	Place Green Hill Parking Issue on June 17, 2003 Board of Supervisors Agenda.	David L. Ash
9.	Place Review of Exemption Request from Regulation 12 VAC 5-31-1250 [Specifically Section #3] on June 17, 2003 Board of Supervisors Agenda	David L. Ash
10.	Send out appointment letters.	David L. Ash
11.	Negotiate easement agreement with gas company and the property owners of Lots Five and Six to take the gas line to the road.	David L. Ash
12.	Speak with the group requesting the shooting ordinance to see what area and what specific language they would like to see in such an ordinance.	Supervisor Dunning
13.	Place Space Study on the June 17, 2003 Board of Supervisors Agenda directly following the Public Hearings.	David L. Ash / John Staelin

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
14.	Develop graphs for the Industrial Park detailing the number of lots, dollars, and pay back on investments.	John Sours
15.	Contact Litter Committee with VDOT requirements for signage.	David L. Ash

Next Meeting:

The next meeting of the Board of Supervisors is set for June 17, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 1:15 p.m.

ATTEST: May 13, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
June 17, 2003 Regular Meeting 9:00 a.m.
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, June 17, 2003.

Present

Chairman John Staelin, Supervisor Byrd, Supervisor Dunning, Supervisor Hobert, and Supervisor Weiss

Also Present

Jeff Lineberry, Bob Childress, Ricky Pope, Wingate MacKay-Smith, Maral Kalbian, Bryan Conrad, Gary Pope, Jay Arnold, Ed Breslauer, Dana Storm, Jim Wink, Charles Johnston, David Ash, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:04 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda

Add to Miscellaneous: Discussion of SOQ's

Add to Miscellaneous: Resolution for Regional Adult Detention Center

Remove from Consent Agenda: Item C – Designation of Sub-recipient for Indoor Plumbing Funds

Move Closed Session for Personnel to End of Agenda

Supervisor Byrd moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Due to time constraints, the following items were moved to the July 15, 2003 Board of Supervisors Agenda.

- Space Study
- Set Public Hearing – Amendment to the Code of Clarke County: County-wide Explosives Ordinance

Approval of Meeting Minutes

Regular Meeting May 13, 2003

Supervisor Byrd made the following corrections to the May 13, 2003 meeting minutes.

- Page 735 from 822 square feet to 892 square feet.
- Page 738 remove reference to review of Space Study at June 9 Board of Supervisors Work Session.

Vice Chairman Hobert made the following change to page 738.

- Under Space Study, remove his name as presenter.

Supervisor Byrd moved to accept the meeting minutes for May 13, 2003 as amended.
The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Consent Agenda

David Ash, County Administrator, provided an overview of the items on the Consent Agenda. He further explained that Item C had been removed since it was an unnecessary action.

Supervisor Dunning noted that on Page 6 of Item D, Mutual Aid Agreement between the County of Frederick and the County of Clarke, that the name of the Chairman of the Clarke County Board of Supervisors needed to be changed from A.R. Dunning, Jr. to John Staelin.

A. Resolution for the Northern Shenandoah Valley Regional Partnership

RESOLUTION FOR THE
NORTHERN SHENANDOAH VALLEY REGIONAL PARTNERSHIP

WHEREAS, the Virginia General Assembly passed the Regional Competitiveness Act, Title 15.1, Chapter 26.3 of the Code of Virginia, which encourages the creation of defined regional partnerships among local governments within planning districts by providing incentive funds for local governments in a qualified regional partnership; and

WHEREAS, the Counties of Clarke, Frederick, Page, Shenandoah, and Warren; the Towns of Front Royal, Luray, Middletown, Stephens City, and Strasburg, and City of Winchester are the member local governments of Northern Shenandoah Valley Regional Commission, with the other incorporated Towns of Berryville, Boyce, Edinburg, Mt. Jackson, New Market, Shenandoah, Stanley, Toms Brook, and Woodstock covered by the membership of their respective counties, are the twenty duly constituted local governments within Planning District 7, the Northern Shenandoah Valley Regional Commission, which may constitute a delineated region for a Regional Partnership, and

WHEREAS, the Northern Shenandoah Valley Regional Commission has maintained the Northern Shenandoah Valley Regional Partnership as a special committee of the Commission; and

WHEREAS, the Commission, local governments, and the economic development organizations have been involved in strategic planning since the 1980's that has included business and industry, educational institutions, and civic association members, which provides a foundation for the Strategic Plan requirements for the Northern Shenandoah Valley Regional Partnership; and,

WHEREAS, regional competitiveness is a priority for local economic viability within the Northern Shenandoah Valley Partnership region; and

WHEREAS, incentive funds awarded from the Regional Incentive Fund may be utilized to assist in funding the development of new regional initiatives and expansion of existing multi-jurisdictional programs that benefit the region and localities,

NOW, THEREFORE, BE IT RESOLVED, that the Northern Shenandoah Valley Regional Commission (Planning District 7) continue be the delineated region of the Northern Shenandoah Valley Regional Partnership for the purposes of the Regional Competitiveness Act; and

FURTHER BE IT RESOLVED, that the County of Clarke, Virginia supports continuation of the Northern Shenandoah Valley Regional Partnership through the Northern Shenandoah Valley Regional Commission and will participate in accordance with the bylaws for the duration of the Competitiveness Act program; and

FURTHER BE IT RESOLVED, incentive funds allocated to this region from the Regional Competitiveness Incentive Fund based on per capita distribution will be placed in the Northern Shenandoah Valley Regional Partnership Fund for allocation by the Partnership to programs that implement the adopted strategic plan.

Adopted this 17th day of June, 2003.

Attest:

Signed:

John Staelin, Chairman

Clarke County Board of Supervisors

B. Contract for Maral Kalbian FY 04

PURSUANT TO THIS AGREEMENT, made and entered into this _____ day of _____, 2003, by and between the Board of Supervisors (hereinafter "Board"), and Maral Kalbian, party of the second part (hereinafter "Contractor"); and in consideration of the benefits to be accrued to the parties hereunder, said parties hereto agree as follows:

1.

WORK: Contractor agrees that the following projects and duties shall be the focus of work endeavor and services provided pursuant to this Agreement.

a.

Provide technical advice, support, and training to the Historic Preservation Commission in coordination with the application for Certificate of Appropriateness.

b.

Assist in the preparation of grant application(s), including those for Certified Local Government projects.

c.

Attend all Commission meetings barring unavoidable conflicts. Provide information and assistance to the County and the general public regarding:

1.

National Register Nominations

2.

Architectural modifications to historic structures

3.

Available federal, state, and local tax incentives

Other historic preservation related issues

Review County related tax projects
2.

COMPENSATION: For performance of the work described in items a through d above, the Contractor shall be compensated by the Board at the rate of Forty-One Dollars (\$42) per hour plus mileage and expenses, not to exceed a total of Four Thousand Two Hundred Dollars (\$4,200).
3.

MANNER OF PAYMENT: Contractor shall submit statements itemizing hours spent in performance of work on a monthly basis to the Planning Administrator. Approved payment shall be made to Contractor with 45 days of receipt of statement.
4.

DURATION: This Agreement shall remain in full force and effect for the period 1 July 2003 through 30 June 2004.
5.

CONTRACTOR STATUS: The parties hereto intend that the relation between them created by this Agreement is that of employer—-independent contractor. Contractor is not an employee of the County of Clarke nor of the Board and is not entitled to the benefits provided by the County to its employees, including but not limited to worker's compensation, unemployment insurance, group health insurance, V.S.R.S. or F.I.C.A. contributions. Contractor will be solely and entirely responsible for her acts during the performance of this Agreement.
6.

OWNERSHIP RIGHTS: Clarke County shall retain ownership rights to any materials or work produced by Contractor pursuant to this Agreement and may use said material or work products as the County may see fit. This shall not affect Contractor's right also to use said material or work products as she may wish.
7.

RIGHT OF SUPERVISION: The work contemplated herein must meet the approval of the Board's designated agent and shall be subject to such agent's general right of inspection and supervision to secure the satisfactory completion thereof. Contractor agrees to comply with all federal, state and local laws, rules and regulations applicable to Contractor and to operations covered by this Agreement or accruing out of the performance of such operations.
8.

IDEMNIFICATION: Contractor shall indemnify the Board and/or the County of Clarke against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state and local taxes or contributions imposed or required under social security and income tax laws.
9.

ASSIGNMENT: This Agreement shall not be assigned by Contractor without the express written consent of the Board.
10.

TERMINATION: The County may terminate this Agreement at any time due to unsatisfactory work by the Contractor. Either party may terminate this Agreement for any reason with the consent of the other party.

WITNESS the following signatures:

CLARKE COUNTY BOARD OF SUPERVISORS

By _____
John Staelin, Chairman

CONTRACTOR

Maral Kalbian

STATE OF VIRGINIA
COUNTY OF CLARKE, TO-WIT:

The foregoing Agreement was acknowledged before me this _____ day of _____, 2003, by John Staelin, Chairman of the Clarke County Board of Supervisors.

Notary Public

My Commission Expires

STATE OF VIRGINIA
COUNTY OF CLARKE, TO-WIT:

The foregoing Agreement was acknowledged before me this _____ day of _____, 2003, by Maral Kalbian, Contractor.

Notary Public

My Commission Expires

C. Designation of Sub-recipient for Indoor Plumbing Funds

No action on this item.

D. Adopt Mutual Aid Agreement Between the County of Frederick and the County of Clarke

Mutual Firefighting And
Emergency Medical Services Agreement

THIS AGREEMENT, made and entered into this 17th day of June 2003, by and between the Board of Supervisors of Frederick County, Virginia, party of the first part; and the Board of Supervisors of Clarke County, Virginia, party of the second part,

WITNESSETH:

WHEREAS, each of the parties hereto provides equipment and personnel for the suppression of fires and for emergency medical services through paid and/or volunteer companies within its own jurisdiction and areas, and

WHEREAS, the parties hereto desire to augment the fire protection and emergency medical services available in their various establishments, districts, agencies, and municipalities in the event of large fires or conflagration or disasters, and

WHEREAS, it is the policy of the Board of Supervisors of Frederick County and of Clarke County, to conclude such agreements wherever practicable, and

WHEREAS, it is mutually deemed sound, desirable, practicable and beneficial for the parties to this Agreement to render assistance to one another in accordance with these terms;

NOW, THEREFORE, the parties hereto agree as follows:

1. Whenever it is deemed advisable by the senior officer of a fire department, fire and rescue service, or EMS agency belonging to a party to this Agreement, or by the senior officer of any such fire department, fire and rescue service, or EMS agency actually present at the fire or accident, to request fire fighting or emergency medical assistance under the terms of this Agreement, he is authorized to do so, and the senior officer on duty of the fire department, fire and rescue service, or EMS agency receiving the request shall forthwith take the following action.
 - a. Immediately determine if apparatus and personnel can be spared in response to the call;
 - b. What apparatus and personnel might most effectively be dispatched;
 - c. The exact mission to be assigned in accordance with the detailed plans and procedures of operation drafted pursuant to Paragraph 7 of this Agreement by the technical heads of the fire departments, fire and rescue services, or EMS agency involved; and
 - d. Forthwith dispatch such apparatus and personnel as, in the judgment of the senior officer receiving the call, should be sent, with complete instructions as to the mission, in accordance with the terms of this Agreement.

2. The rendering of assistance under the terms of this Agreement shall not be mandatory, but the party receiving the request for assistance should immediately inform the requesting service if, for any reason, assistance cannot be rendered.
3. All services performed under this Agreement shall be rendered without reimbursement of either party or parties unless otherwise specified.
4. Each party to this agreement waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the terms of this Agreement.
5. The technical head of the fire department, fire and rescue service, or EMS agency requesting service shall assume full charge of the operations, but if he/she specifically requests a senior officer of a fire department, fire and rescue service or EMS agency furnishing assistance to assume command, he/she shall not, by relinquishing command, be relieved of his/her responsibility for the operation; provided that the apparatus, personnel, and equipment of the party rendering assistance shall be under the immediate senior officer of the fire department, fire and rescue service, or EMS agency rendering assistance.
6. The officers and personnel of the fire department, fire and rescue service, or EMS agency of both parties to this Agreement are invited and encouraged, on a reciprocal basis, to frequently visit each other's activities for guided familiarization tours consistent with local security requirements and, as feasible, to jointly conduct pre-fire planning inspections and drills.
7. The officers of the fire department, fire and rescue service, or EMS agency of the parties to this Agreement are authorized and directed to meet and draft any detailed plans and procedures of operation necessary to effectively implement this Agreement. Such plans and procedures of operations shall become effective upon ratification by the signatory parties.
8. This Agreement shall become effective upon the date hereof and shall remain in full force and effect until canceled by mutual agreement of the parties hereto or by written notice by one party to the other party, giving sixty (60) days notice of said cancellation.

THE BOARD OF SUPERVISORS OF FREDERICK
COUNTY, VIRGINIA

BY: _____
CHAIRMAN

ATTEST:

COUNTY ADMINISTRATOR

THE BOARD OF SUPERVISORS OF CLARKE
COUNTY, VIRGINIA

BY: _____
CHAIRMAN

ATTEST:

COUNTY CLERK

COMMONWEALTH OF VIRGINIA:
COUNTY OF FREDERICK, VIRGINIA, to-wit:

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, Chairman of the Board of Supervisors of Frederick County Virginia, whose name is signed to the foregoing Agreement, acknowledged his/her signature before me this ____ day of _____, 2003, in my County and State aforesaid.

NOTARY PUBLIC

My Commission Expires: _____

COMMONWEALTH OF VIRGINIA:
COUNTY OF CLARKE, VIRGINIA, to-wit:

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, Chairman of the Board of Supervisors of Clarke County Virginia, whose name is signed to the foregoing Agreement, acknowledged his/her signature before me this ____ day of _____, 2003, in my County and State aforesaid.

NOTARY PUBLIC

My Commission Expires: _____

APPROVED AS TO FORM:

Commonwealth Attorney
Frederick County, Virginia

Commonwealth Attorney
Clarke County, Virginia

_____, 2003

E. Support Letter to Town of Boyce for 2003 Transportation Enhancement Program

17 June 2003

James Givens
Local Assistance Division
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219

The Clarke County Board of Supervisors strongly supports the application of the Boyce Town Council for the 2003 Transportation Enhancement Program.

The Town of Boyce has taken many steps to improving its character and infrastructure. It has reserved sufficient funds to complete this necessary infrastructure improvement, despite a modest budget. It has hired an architectural historian to prepare a nomination of the central area of the Town to National Register of Historic Places District. It has recently completed an update the Town Comprehensive Plan, Five-Year Capital Expenditure Plan, Zoning Ordinance, and Subdivision Ordinance.

- The proposed enhancement project would:
- replace or install sidewalks/stormwater facilities,
 - install street trees or other appropriate landscaping along Main Street,
 - establish a Town Directory & Welcome Sign with landscaping at the intersection of Main Street and US Route 340,
 - reconstruct the ADA access to the Boyce Town Hall so as to meet the building code and maintain the character of this 1910 Classical Revival building, and
 - replace street lights through out Town to improve lighting and reduce light pollution, using a fixture consistent with early 20th century character of the Town.

All these improvements will go along way to upgrade the safety, character, and well being of the Town. The Board of Supervisors unanimously endorses this effort and urges the Commonwealth Transportation Board to fully fund this project.

John Staelin, Chairman
Clarke County Board of Supervisors
102 North Church Street
Berryville, VA 22611

Supervisor Byrd moved to approve the Consent Agenda as amended.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation
- Jeff Lineberry, Resident Engineer

Jeff Lineberry appeared before the Board to provide the monthly report.

Green Hill Parking Issue:

Several "No Parking" signs have been installed.

Route 7 Business – Traffic Signal

Mr. Lineberry stated that they were awaiting word from Pierce Homer as to the status of this project. He indicated that Bob Childress had briefed him on this issue. Chairman

Staelin put forth that if VDOT should decide to do something else at this intersection it would not be done with Clarke County's money.

Jack Enders Boulevard

A public hearing is planned for September 10, 2003 from 4 to 7 pm at the Berryville Town Council Chambers.

Route 636

Mr. Lineberry will provide the Board a letter with the scope of design. There is an on-site meeting set for July 15 with the designer. He further indicated that he had solicited input from the Clarke County School System. Chairman Staelin cautioned Mr. Lineberry that the Board did not want this road to become a "race track".

Project Update: Routes 340, 17, 50 Intersection

This project is back in the Six-year Plan and has been given engineering money. An onsite meeting for July 15 is scheduled. Supervisor Dunning requested that the Board of Supervisors be notified so that they could attend the meeting.

Project Update: Route 340 Curbing & Guttering Repair

This project is nearing completion with an anticipated conclusion by week's end dependent upon the weather.

Project Update: Surface Treatments

Currently, this is scheduled to begin by the end of June, again dependent upon the weather. Supervisor Dunning requested that the Board of Supervisors be provided a time line for the treatment of roads so they can notify their constituents. Mr. Lineberry will provide the schedule to David Ash.

Milling Questions

Chairman Staelin queried VDOT as to the milling of roads. Applications of gravel and asphalt cause the roadways to increase in height creating problems on the shoulders. Mr. Childress stated that milling of roadways occurs when they are redone. Milling and repave will be done later this summer on Route 340 and North Church Street.

Route 644 Closure

VDOT has not received a response from Frederick County on the proposed road closure. Chairman Staelin requested David Ash to follow up with John Riley, Frederick County Administrator.

Trimming

When queried by the Supervisors on trimming efforts within the County, Mr. Childress stated a contract crew, selected through a low-bid process, performs trimming. It was acknowledged that the standards for this service have dropped due to maintenance budget constraints. Supervisors Staelin, Dunning and Byrd put forth locations in their respective areas that required trimming. Ricky Pope will check on these areas.

Public Hearing - Clarke County Humane Foundation Site Plan [SUP-03-04]
- Charles Johnston, Planning Administrator

Clarke County Humane Foundation requests approval of a Special Use and Site Plan amendment so as to add eight additional runs to the proposed animal shelter, located adjacent to 450 Westwood Road, Tax Map Parcel 13-A-13A, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). SUP-03-04

Charles Johnston appeared before the Board to present an overview of the above-described matter.

At 10:15 a.m., Chairman Staelin opened the public hearing for citizen comment.

David Frank introduced himself as the Design Engineer for the Humane Society offering to answer any questions the Board might have on the facility design.

There being no persons present desiring to address the Board on this matter Chairman Staelin closed the public hearing at 10:17 a.m.

Chairman Staelin commended the Clarke County Humane Foundation for a wonderful job with the facility and for their fundraising efforts. For clarification, he pointed out while the County would operate and maintain they would not own the facility.

Supervisor Byrd also commended the Clarke County Humane Foundation for their efforts. She noted that other counties were already commenting on the facility and their desire to establish something similar for their localities.

Supervisor Dunning moved to approve the Clarke County Humane Foundation requests for a Special Use and Site Plan amendment so as to add eight additional runs to the proposed animal shelter, located adjacent to 450 Westwood Road, Tax Map Parcel 13-A-13A, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). SUP-03-04

The motion carried as follows:

- | | | |
|--------------------|---|-----|
| Chairman Staelin | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |
| Supervisor Weiss | - | Aye |

Public Hearing - Special Use / Site Plan [SUP-03-03]
- Charles Johnston, Planning Administrator

Mount Olive Baptist Church requests the approval of a Special Use and Site Plan amendment for an addition to the church located at 14401 Lord Fairfax Highway, Tax Map Parcel 28A-A-21 and a portion of 28-A-27, Greenway Magisterial District, zoned Rural Residential and Agricultural-Open Space-Conservation (AOC). SUP-03-03

Charles Johnston appeared before the Board to provide an overview of the above-described matter. He explained that the zoning on the affected property allowed for churches as a special use.

Chairman Staelin opened the public hearing at 10:20 a.m. for public comment.

Reverend Page, Mount Olive Baptist Church, introduced himself to the Board and offered to answer any questions they might have on the amendment.

There being no other persons present desiring to address the Board Chairman Staelin closed the public comment portion of the hearing at 10:21 a.m.

Following discussion, **Supervisor Dunning moved to approve the request by the Mount Olive Baptist Church of a Special Use and Site Plan amendment for an addition to the**

church located at 14401 Lord Fairfax Highway, Tax Map Parcel 28A-A-21 and a portion of 28-A-27, Greenway Magisterial District, zoned Rural Residential and Agricultural-Open Space-Conservation (AOC). SUP-03-03

The motion carried as follows:

- | | | |
|--------------------|---|-----|
| Chairman Staelin | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |
| Supervisor Weiss | - | Aye |

Public Meeting – Conservation Easement Authority: Recommendation to Purchase Conservation Easements

- Charles Johnston, Planning Administrator

The Clarke County Conservation Easement Authority recommends the purchase of open space easements on the properties identified as Tax Map Parcels 29-((A))-52 & 53, known as Greenway Court, comprised of approximately 145 acres, owned by James H. Digges, located in the 1300 block of White Post Road, Greenway magisterial District.

Wingate Mackay-Smith, Conservation Easement Authority Chair, appeared before the Board to provide a brief overview and introduction. She expressed her thanks to the members of the Authority: John K. Bieschke, Randy Buckley, J. Michael Hobert, Patsy L. McKelvy, Jane Radford, David Weiss and Tom McFillen [member June 2002 through April 2003].

Charles Johnston, Planning Administrator, briefed the Board on the merits of the property and provided a brief description of the easement documents.

Bryan Conrad, a local farmer, who has farmed this property for more than five years, provided an assessment of the agricultural value of the land. The soil of the farmland is fertile and provides high yields in a variety of crops.

Maral Kalbian presented a slide show featuring the buildings on the Digges property. She gave an history of Greenway Court and detailed the function and historical significance of the buildings located on the Digges property. She informed the Board archeological research on the property was possible.

Warren Hofstra, historian – Shenandoah University, assessed the historic value of the property explaining its significance to American, as well as English history. In his professional opinion, this property represents a teaching tool toward understanding the creation of American society, the revolution and the formation of the government. He stated that the name of Lord Fairfax has been memorialized in numerous ways through the centuries.

Dave Edwards, Regional Director for the Department of the Historic Resources, explained the purpose of their department. He stated that they were pleased to see that Clarke County has established its own preservation and conservation program. He presented a letter from Calder Loth, Senior Architectural Historian with the Department of Historic Resources. In Mr. Calder's letter, he states that Greenway Court is one of two National Historic Landmarks in Clarke County; and expresses his pleasure with the Clarke County Board for their action to consider securing this nationally significant, irreplaceable historic site.

Chairman Staelin opened the meeting for public comment at 11:02 a.m.

Beverly McKay, Millwood and Planning Commission Vice Chair, stated that the Board and Clarke County had a unique opportunity to protect and save an historic site. He further commented that he gave an enormous amount of credit to the Digges family for allowing the County the easement.

Matthew Mackay-Smith, White Post, noted that many historic sites today are surrounded by modern development, which detracts from the view. However, with the Greenway Court

easement, the purchase of the additional acres of farmland provides a person a sense of what it was like in centuries past.

George Ohrstrom encouraged the Board to make the easement purchase stating his belief this was a giant first step toward preservation in the County.

Louise McKay, Millwood, endorsed the easement purchase and agreed with everything said. She expressed her belief that this property would help education in the County, as well as the country.

Gary Doleman, Ebenezer Baptist Church, sited the destruction of historic property for development. He stated his opinion that this was a good opportunity for Clarke County to preserve farmland, as well as a piece of history. He also noted his concerns regarding the need to control growth.

Bryan Conrad, White Post, wished to reemphasize what Mrs. Mackay-Smith had pointed out. He further pointed out that the Digges property was in a position to stop the metropolitan-like area, which is developing in White Post. He stated that this property was the ideal flagship for this conservation easement program.

Charles Schutte, Boyce, supported the program and expressed his pleasure in the placement of the farmland in the easement. He urged the Board to approve the purchase. He opined that easements would be the only way to stop development.

Clay Brumback, White Post, stated that he had placed his land in easement a year ago and wants to see open space preserved. He agreed with Mr. Mackay-Smith regarding the preservation of the surrounding lands. He has the contract to farm the land at Belle Grove, in Frederick County, and believes that the preservation of the lands surrounding that facility has a significant, positive impact on the experience of its visitors.

There being no additional persons desiring to address the Board Chairman Staelin closed the public comment portion of the meeting at 11:14 a.m.

Supervisor Weiss expressed his thanks to the Digges family for their hard work and sacrifice stating that "in perpetuity" is a long time. He pointed out that the price of \$225,000 was under the appraised value.

Supervisor Byrd also expressed her thanks to the Digges family. She thanked Wingate Mackay-Smith and the members of the Conservation Easement Authority for their efforts on behalf of the County. She opined this was a great first step for the easement program and to continue their efforts.

Vice Chairman Hobert noted the number of persons who came out in support of the conservation easement purchase. He stated while it was a lot of money it was also a great privilege to be given the opportunity to preserve a part of history.

Supervisor Dunning stated that he had placed his land in easement and supports the program. He thanked the Digges family for allowing research on the property. He expressed his belief that the purchase would be of benefit for generations to come. He opined that the value of the property came in two parts. In his opinion, he would place the value of the development rights at \$135M and the historic value would add an additional \$90M, which makes it a unique and special gift by the Digges family. He stated that he was voting in support of the purchase because it was a unique and historic series of buildings.

Chairman Staelin stated that he had been thinking about the DUR [dwelling unit rights] value of the property. He opined it was worth half the value of the easement. The other half was being paid to preserve an historical site and ensure it was available to students and scholars for years to come. He explained that the money for the purchase had been saved over a three-year period. Mr. Staelin clarified that it was unlikely that future property easements would include something of such large historic value. He suggested that the Conservation Easement

Authority address its direction stating that it was not originally established as an historic preservation organization. He also said the Supervisors would likely be reviewing the Authority's By-laws.

Vice Chairman Hobert moved to authorize the appropriation of the necessary funds and to authorize the Chairman of the Board to execute any documents related to the acquisition of the open space easements on the properties identified as Tax Map Parcels 29-((A))-52 & 53, known as Greenway Court, comprised of approximately 145 acres, owned by James H. Digges, located in the 1300 block of White Post Road, Greenway magisterial District.

The motion carried as follows:

- | | | |
|--------------------|---|-----|
| Chairman Staelin | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |
| Supervisor Weiss | - | Aye |

Public Hearing – Text Amendment [TA-03-03]
- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the Clarke County Zoning Ordinance so as to delete the following district regulations:

- a. Section 3-A-8, Older Person Residential (OPR);*
- b. Section 3-A-15, Light Industrial District (IL); and*
- c. Section 3-A-16, Heavy Industrial District (IH). TA-03-03*

Mr. Johnston appeared before the Board to review the above matter. He explained to the Board that currently there are no areas with these zoning designations within the County nor are they provided for in the Comprehensive Plan.

Chairman Staelin opened the public hearing at 2:25 p.m. for public comment. There being no persons present to address the matter the public comment portion of the hearing was closed.

Following discussion, **Supervisor Dunning moved to approve the amendment of the Clarke County Zoning Ordinance as presented.**

The motion carried as follows:

- | | | |
|--------------------|---|-----|
| Chairman Staelin | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |
| Supervisor Weiss | - | Aye |

Public Hearing – Text Amendment [TA-03-04]
- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Subdivision Ordinance sections 7-C-4, Documents to Accompany Record Plats and 8-J, Private Access Easements so as to modify the standards and review process for private access easements. TA-03-04

Charles Johnston briefly described the proposed text amendment. Mr. Johnston invited several Fire and Rescue personnel to provide the Board with technical comments on this amendment explaining that Mr. Arnold was the one who made the original recommendation.

Jay Arnold, Planning Commission and John H. Enders Volunteer Fire & Rescue Company, stated that in the County it is difficult, if not impossible for some Fire & Rescue vehicles, to enter certain areas with steep grades and/or with areas that do not allow the vehicles to turn around. He has observed two subdivisions currently in process that have driveways

that are too steep for Fire and Rescue vehicles. He stated that this change would help the Fire Department and area residents to better protect their homes.

Bryan Conrad, Chief - Boyce Volunteer Fire Company, agreed with Mr. Arnold. He added that there were real incidents in the County where fire and rescue vehicles were unable to get up the grade. He urged the Board to approve the amendment.

Tom Martin, Fire and Rescue. Mr. Martin wished to add that people do not consider the grade of their driveway as a problem until there is an emergency. The proposed amendment is a preventive measure that ensures advance consideration.

Chairman Staelin opened the hearing at 11:40 a.m. for public comment. There being no other persons present to address the Board Chairman Staelin closed the public comment portion of the hearing.

Charles Johnston, in response to Chairman Staelin's query, advised the Board that the regulations allow the Planning Commission to make allowances for parcels that may have problems meeting the requirements.

Supervisor Dunning questioned what would happen to existing parcels. Mr. Johnston stated that the County's attorney had advised they would have to remain; however the County can enforce the amended regulations in new subdivisions.

Supervisor Byrd queried Jay Arnold how they will deal with the existing problems. Mr. Arnold stated it was done with difficulty and gave several examples including a bridge problem. Chairman Staelin put forth that bridge standards were upgraded for school buses weighing approximately 20,000 lbs. while fire and rescue vehicles can weigh in excess of 60,000 lbs.

Vice Chairman Hobert moved to approve the amendment of the County Subdivision Ordinance sections 7-C-4, Documents to Accompany Record Plats and 8-J, Private Access Easements. [TA-03-04].

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Public Hearing – Text Amendment [TA-03-05]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the:

- 1. County Zoning Ordinance, sections 3-D-7, Vacation of Plats in the AOC and FOC Districts, and 9-B, Definitions, so as to address the vacation or merger of lots or parcels of land and to add the definition of the terms "Boundary Line Adjustment" and "Merger" and*
- 2. County Subdivision Ordinance, section 2-B, Definitions, so as to add the definition of the terms "Boundary Line Adjustment" and "Merger" and delete the definition of the terms "Re-subdivide" and "Substandard Divisions". TA-03-05*

Charles Johnston appeared before the Board and provided an overview of the above-described matter. Mr. Johnston stated that the proposed amendment clarifies legal standards and is an effort to implement the interpretation that has been in place since the 1950s.

Vice Chairman Hobert expressed concern regarding boundary line adjustments between adjacent properties. Mr. Johnston explained that an individual could still seek a boundary line adjustment but there are limits.

Chairman Staelin opened the hearing for public comment at 11:55 a.m.

George Jones, Lewisville, expressed his concern regarding the impact on dwelling unit rights on specific pieces of property in the Lewisville area. He explained that there were three lots with dwellings adjacent to the church, which had been given to them. Mr. Johnston stated that the existing houses could stay. Jesse Russell, Zoning Administrator, provided additional clarification explaining that they wanted to use one of the houses as a fellowship hall, which would require an exemption. However, he felt there were ways for the church to do what it wanted. The neighboring developer may not benefit but the church could.

Supervisor Dunning suggested that Planning and Zoning contact Bob Mitchell for assistance with the matter as it relates specifically to this one parcel.

Gary Doleman, Lewisville, wished to express his agreement with Mr. Jones over concern for the loss of DUR's on the donated property.

Louise McKay, Millwood, stated that she was confused about what was going on with the Lewisville discussion. Jesse Russell stated that he had been attempting to give an explanation to Mr. Jones about this complicated issue.

There being no other persons present desiring to address the Board on this matter Chairman Staelin closed the public comment portion of the hearing at 12:05 p.m.

Vice Chairman Hobert stated that he understood what the Planning Commission had tried to do and they had done a good job. With this amendment, the Planning Commission was tying up loose ends. While the amendment would be helpful and/or have no impact on other areas, for the Lewisville area, it has a large impact. He cautioned them to be careful before recommending this ordinance without thinking through the impact it would have on all affected areas. Mr. Hobert stated that he was not comfortable that developers seemed to be taking advantage of the apparent technical loophole.

Vice Chairman Hobert also stated that he sees this amendment as a taking of property rights. Supervisor Weiss countered that all planning and zoning can be seen as a "taking" but controls are necessary.

Supervisor Dunning moved to approve the amendment as presented.

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Nay
Supervisor Weiss	-	Aye

- Set Public Hearing – Special Use/Site Plan
- Charles Johnston, Planning Administrator

Omnipoint Communications Cap Operations LLC, requests the approval of a Special Use and Site Plan for a 100-foot enclosed monopole for telecommunications antennae located at 653 Mt. Carmel Road, Tax Map Parcel 39-((A))-75, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). SUP-03-02

Mr. Johnston appeared before the Board to provide a brief overview. Representatives from Omnipoint were in attendance to address any questions.

Chairman Staelin asked the position of the nearby church. Mr. Johnston stated that they have removed their original objection after reviewing the plans. Supervisor Byrd put forth that it was her understanding other landowners objected due to possibility of health risk, as well as aesthetics.

Supervisor Weiss moved to set the matter for public hearing on July 15, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Amendment to the Code of Clarke County: County-wide Explosives Ordinance

- Charles Johnston, Planning Administrator

Due to time constraints, action on this item was moved to the July 15, 2003 Board of Supervisors Agenda.

Space Study

Due to time constraints, discussion on this item was moved to the July 15, 2003 Board of Supervisors Agenda.

Chairman Staelin announced that Supervisor Dunning and Vice Chairman Hobert were appointed to serve on the Space Study Committee.

Closed Session

Supervisor Dunning moved to convene into closed session pursuant to Section §2.2.3711-A1 and §2.2.3711-A3 of the Code of Virginia, as amended, to discuss personnel and real estate issues.

The motion was approved as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Dunning moved to reconvene in open session. The motion carried as follows:**

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Supervisor Dunning moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Discussion Of Committee Action

Board of Supervisors Work Session

The Board of Supervisors during their Work Session reviewed Route 636 options. The review included an onsite visit with VDOT representatives, Jeff Lineberry and Bob Childress.

Personnel

Set Salaries FY 2003-2004

Supervisor Dunning moved to set the following salary increases for County Employees effective July 1, 2003 for Fiscal-Year 2003-2004.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

FY 04 Proposed Salary Increase: Clarke County Government6/4/2003

Name/Position	Final Approved Change
David Ash, County Administrator	\$ 102,471
Lora Walburn, Deputy Clerk	\$ 31,385
Charles Johnston, Planning Administrator	\$ 83,848
Jesse Russell, Zoning Administrator	\$ 48,104
Alison Teetor, Natural Resources Planner	\$ 50,574
Debra Bean, Administrative Assistant	\$ 29,189
Gordon Russell, Info Sys Admin	\$ 55,875
Piepenburg Ma, Info Sys Tech	\$ 35,000
Carey Purvis, Code Official	\$ 54,835
Wallace Ingles, Code Official	\$ 35,269

Name/Position	Final Approved Change
Gail Good, Administrative Assistant	\$ 33,463
Holly DeHaven, Receptionist	\$ 22,565
Lisa Cooke, Director	\$ 47,063
Pitcock, Recreation Program Coordinator	\$ 32,484
Barbara Bosserman, Administrative Assistant	\$ 37,669
Matthew Parsons, Recreation Center Manager	\$ 35,484
Shannon Barbour, Program Coordinator	\$ 33,484
Melinda Seals, Recreation Program Supervisor	\$ 26,984
Ann Boothe, Receptionist	\$ 24,349
Robert Levi, Maintenance Supervisor	\$ 45,982
Ruby Miller, Maintenance	\$ 28,963
Dennis Ball, Maintenance	\$ 23,291
Ricardo Mason, Maintenance	\$ 23,291
Brad Fraizer, Maintenance	\$ 35,484
Carolyn DeHaven	\$ 21,917
David Peach, EMT-C	\$ 32,051
Don Jackson, EMT-C, Supervisor	\$ 34,387
Mark Barenklau EMT-C	\$ 32,051
Lori Sweany, ACO	\$ 26,656
Jennifer Willis, AACO	\$ 18,742
Assessor	\$ 33,071
Susanne Vaughan, Extension	\$ 24,319
John Sours, Economic Development	\$ 48,524
Pam Hess, 911 Coordinator	\$ 41,654
McKay, Dispatcher 911	\$ 25,389
Seabaugh, Dispatcher 911	\$ 25,389
Sutherland, Dispatcher 911	\$ 25,389
Ashby, Senior Dispatcher	\$ 27,375
Ermerins, Dispatcher	\$ 25,389
White, Dispatcher	\$ 25,389
Wilkerson, Dispatcher	\$ 25,389
Wright, Dispatcher	\$ 25,389
Herron, Chief Sheriff's Deputy	\$ 50,623
Coumes, Investigator	\$ 48,642
Roper, Investigator	\$ 46,747
Feltner, Deputy	\$ 32,392
Hammond, Deputy	\$ 32,392
Jones, Deputy	\$ 41,545
Levi, Deputy	\$ 46,747
Lichliter, Deputy	\$ 46,747
McWilliams, Deputy	\$ 32,392
Rosenberry, Deputy	\$ 42,362
Small, Deputy	\$ 38,440
Sumption, Deputy	\$ 32,392
Martin, Secretary	\$ 23,176
Smoot, Deputy 3 Commissioner of Revenue	\$ 32,460
Deputy 2 Commissioner of Rev	\$ 24,114
White, Deputy 2 Treasurer	\$ 23,753
Keeler Deputy 3 Treasurer	\$ 28,770
Budija, Shari Deputy 1 Treasurer	\$ 22,701

Rhodes, Commonwealth's Atty Admn Asst.	\$40,182
Current Total	\$2,182,154

Appointment to Authorities, Boards and Commissions:

Committee/Board	Appointee	Expiration Date
Clarke County Planning Commission	Mary Louise Costello Daniel	4/30/04
Mary Louise Costello Daniel is new appointee to the Planning Commission completing the un-expired term of Thomas McFillen.		
Lord Fairfax Emergency Medical Services Council, Inc.	Sharon Wine	7/30/06
Sharon Wine is reappointed to the Lord Fairfax Emergency Medical Services Council, Inc. This will be a three-year term beginning July 1, 2003 and ending July 30, 2006.		

Supervisor Dunning moved to accept in whole all the appointments as presented. The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Finance

Supplemental Appropriations for Current Fiscal Year

- a) Litter Control—appropriate for expenditure \$1,429 and recognize a like amount in revenue resulting from payments of litter fines etc.
- b) Planning Commission—Supplemental Appropriation of \$5,500 to cover professional and legal expenses related to general planning activity exceeding level of budget expectation and contingency lines.
- c) Clarke County Sanitary Authority grant anticipation loan of \$75,000 to cover costs incurred for sewer system improvements.

Transfers for Current Fiscal Year

- a) Unemployment Fund—Transfer of \$3,500 from Contingency to Unemployment fund to cover benefits paid as last responsible employer of a covered employee.
- b) Planning Commission—Transfer of \$9,400 from Legal Contingency to cover professional and legal expenses related to general planning activity exceeding level of budget expectation and contingency lines.
- c) Planning Commission—Transfer of \$6,000 from Professional Contingency to cover professional expenses related to general planning activity exceeding level of budget expectation and contingency lines.
- d) Northern Shenandoah Valley Regional Commission—Transfer of \$6,250 from Contingency to cover county's share of additional expenses resulting from the state decision to delete funding for the Minimum In stream Flow Study.
- e) Equalization Board—Transfer of \$200 Contingency to cover expenses. No initial appropriation was made.
- f) Biosolids Application—Transfer \$1000 to cover inspection costs. No initial appropriation was made.

The Finance Committee recommends the approval of the above described transfers and supplemental appropriations for FY03

Supplemental Appropriations for Fiscal-Year 2004

- a) Registrar has requested funds in the amount of \$2,400 to purchase two additional voting machines required in order to satisfy election requirements.
- b) A littering conviction has resulted in the payment of \$5,000 to the Litter Committee. Request is made to appropriate this income for use by the Litter Committee.
- c) As a result of serious overcrowding and the need to staff an additional facility, the Regional Jail Board anticipates additional staff costs for FY04 in the amount of \$112,190. Clarke County' share of the additional personnel costs are expected to be \$15,611.

The Finance Committee recommends the approval of the above-described supplemental appropriations for FY04

Following discussion, **Supervisor Dunning** moved to accept the recommendations of the Finance Committee.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Absent
Supervisor Weiss	-	Aye

Chairman Staelin requested David Ash to compose a letter to Judge Morrison from the Board acknowledging his innovation and initiative in his recent decision that assessed penalties to benefit the Litter Committee.

Insurance Program Comparison

A comparison of cost and coverage of insurance programs offered by VACo and VML is included in the Board of Supervisors file. VACo is the current provider. VML was given the VACo proposal upon which to prepare its proposal. VACo prepared the comparison based upon an item-by-item review of the VML proposal. The comparisons are based upon the proposals presented and do not reflect any adjustment or recommendations on changes in coverage presented by the vendors.

The Finance Committee has reviewed the proposals and requested that a copy of the policy language from VML be obtained in order to compare the specific language of the defense cost coverage for injunctive relief only land use issues. To date, VML has not provided that policy.

Chairman Staelin opined that the VACo plan, after review by he and Vice Chairman Hobert, was the better plan for Clarke County in most areas recognizing that each of the plans have limitations.

Miscellaneous Finance Committee Items

Chairman Staelin informed the Board that in July they would be reviewing fund balances to determine potential designations for the committee's consideration.

Project Update

- David L. Ash, County Administrator

Copies of the County Administrator’s monthly Project Update report were distributed and included in the June 2003 Board of Supervisors file. Inclement weather continues to hamper progress on numerous projects.

Bills And Claims

- Barbara Byrd, Supervisor

Supervisor Byrd stated that the Sheriff’s Department was over budget. She expressed concern for several other departments that are near or over 90% of budget. Tom Judge stated that action was being taken with these departments and they were closely watching these expenses. He theorized that these departments might have made their budgetary cuts too deep.

Supervisor Byrd moved to accept the Bills and Claims as presented for the month, subject to final review with Tom Judge. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Gypsy Moth Program Update

- Bill Wetherall, Gypsy Moth Program Coordinator

Copies of the status report were distributed and included in the June 2003 Board of Supervisors file.

Emergency Services

- David L. Ash, County Administrator

Review of Exemption Request from Regulation 12 VAC 5-31-1250 [Specifically Section #3]

David Ash stated that last month the Board had set the item for review as required. However, when notice of the scheduled review meeting was provided to the Health Department, within four days of receipt, they sent back a letter stated that they would not authorize an exemption. Chairman Staelin stated that since the Board was following their procedure they had no right to deny a request before it was made.

Bryan Conrad expressed his concern that a paramedic or a cardiac technician, while at a higher skill level then an EMT, could not act unless an EMT is present. Jay Arnold agreed with Mr. Conrad; and also spoke out in opposition to the Health Department’s failure to follow their own process.

Supervisor Byrd moved to support the exemption and to authorize the Chairman of the Board to send a letter stating the Board’s support of the Exemption to the Health Department.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Chairman Staelin requested David Ash to compose a letter to the Health Department conveying the Boards support of the exemption.

Boyce Fire Co. Request to Become a BLS Transport Agency

David Ash provided an overview explaining that the Boyce Volunteer Fire Company was not a transport agency. They provide first responder service only and call for a transport agency when needed. The Health Department and Lord Fairfax Emergency Medical Services require agreement from the Board of Supervisors to allow them to become a transport agency. Currently, there are twelve [12] EMT's with enough to cover night crews. Approximately one quarter [1/4] to one half [1/2] of Enders calls are to the Boyce areas and approval of this proposal would ease the load on Ender's. It would also improve response times to these areas.

Supervisor Dunning moved to support and endorse the Boyce Volunteer Fire Company as a BLS Transport Service Certification.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Chairman Staelin instructed David Ash to send a letter to the Boyce Volunteer Fire Company conveying the Board's support for BLS Transport Service Certification.

Request for Additional Life Support Personnel

David Ash provided an overview of the above request stating this was a follow up of the request made at the April budget hearing.

Gary Pope, Clarke County Fire and Rescue Association representing all four companies in the area, explained that regulations and public expectations have changed over the years in regard to emergency service. Clarke County has a combination of volunteer and paid fire and rescue staff. The Clarke County Fire and Rescue Association is requesting the County to add two additional, paid, life-support staff. Two people are needed to cover an equivalent of 96 hours to assist in the coverage periods Monday through Friday 6 p.m. to 6 a.m., as well as all day Saturday and Sunday. The County can determine how to staff whether it is by full-time, part-time or some combination of paid personnel. He provided the following justification for the request for additional staffing.

- Area citizens do not volunteer as much.
- Nuisance or unnecessary calls strain resources.
- On average, the time to pick up, transport and return is two [2] hours.
- No access to an urgent care facility in the County, which requires them to run to Winchester.
- Area population of elderly citizens has increased. These persons, typically, use the emergency services more often.

Both Supervisor's Dunning and Hobert put forth the question of charging a fee for emergency service. Mr. Dunning opined that even if it were just a small fee it might help to a reduction nuisance calls.

Chairman Staelin noted that brochures have been sent seeking fire and rescue volunteers. He also questioned the impact on staffing of absences due to vacation and illness. This would increase the number of coverage hours needed. He noted the number of hours requested would require approximately two and a half [2 ½] people.

David Ash stated that Don Jackson, Clarke County Emergency Medical Staff Supervisor, is responsible for the scheduling of paid staff, which includes full- and part-time staff. Mr. Pope indicated that he had spoken with Mr. Jackson regarding the need for additional personnel and staffing schedules.

Vice Chairman Hobert declared his support for the increase in staffing to improve service and coverage. He did express concern regarding the manner in which data is gathered in separate locations. He requested a more comprehensive look at what is being done in an effort to get a better feel for the direction the service is taking. Gary Pope recommended setting a six-month period to monitor calls for evaluation. Mr. Ash reminded the Board that the career staff call reports, detailing response, time on scene, time to hospital, etc., were included in the Board of Supervisors packets each month.

Vice Chairman Hobert stated that he was not comfortable with only two persons if three were needed. Mr. Ash put forth there was no perfect solution and that volunteers routinely work with the career staff to ensure coverage. Further, the County cannot hire enough persons to cover all potentialities. David Ash stated that while he did recommend the addition of life support personnel he was uncertain if the County had the money to hire all of the persons they needed.

Tom Martin, Sheriff's Department, expressed his thanks to the media for getting the word out on the need for volunteers.

Supervisor Dunning moved to approve the addition of two full-time ALS positions or some equivalent thereof and to request supplement appropriations to cover the additional expense.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Vice Chairman Hobert directed David Ash to proceed in advertising the positions. He also requested him to pursue funding through supplemental appropriations

Discharging Firearms in Densely-populated Areas

- A.R. Dunning, Jr., Supervisor

Supervisor Dunning stated that it no longer appeared that this matter was a high priority for the persons who originally requested the ordinance. Supervisor Weiss stated that he had no desire to implement anything of this nature countywide.

Chairman Staelin stated that since no citizens appeared to support the proposed ban the Board of Supervisors would not pursue the matter and there would be no further action taken.

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

Due to a scheduling conflict, John Sours was unable to address the Board in person. Copies of his monthly reports were distributed for review and included in the June 2003 Board of Supervisors file.

Miscellaneous Items

Regional Adult Detention Facility - Resolution

David Ash distributed supporting documentation for review and Supervisor Byrd provided a brief overview of the overcrowding at the Regional Facility. They explained that the proposed resolution would authorize the City of Winchester, the fiscal agent for the facility, to start the process to design, construct and equip an addition necessary to alleviate overcrowding.

Supervisor Byrd further explained that there are on average 409 inmates in a facility designed to house 265; and weekend populations can reach 450. There is an insufficient number of staff to cover the increasing population. Beds have been added to every cell that can accommodate and inmates are now sleeping on the floor, as well as areas of the facility normally held for transient use.

There was additional discussion regarding Work Release and Home Monitoring and the capacities of these programs. Currently, 25% of the inmates are eligible for the program but are limited by capacity. Studies indicate that the number will continue to rise.

Vice Chairman Hobert and Supervisor Dunning expressed concern that the State is not picking up State prisoners in a timely manner, which contributes to the overcrowding. Currently, there are 40 State prisoners at the facility; however, while it would help alleviate some of the problem it would not correct the situation. Vice Chairman Hobert and Supervisor Dunning opined that the Regional Jail Board might consider filing a lawsuit against the State.

In response to Supervisor Weiss' query, Supervisor Byrd and David Ash, both members of the Jail Board, stated that they felt the Jail Board had exhausted all options. Supervisor Byrd suggested that the Board invite Fred Hildebrand, Superintendent, and Robert Mitchell, County Attorney, to address the Board at the July 15, 2003 meeting.

RESOLUTION

WHEREAS, Clarke County, Frederick County, and the City of Winchester own land on which the Regional Adult Detention Facility is located; and

WHEREAS, Clarke County, Frederick County, Fauquier County, and the City of Winchester comprise the Regional Jail Board, which operates the Regional Adult Detention Facility; and

WHEREAS, an addition to the Regional Adult Detention Facility is needed to relieve overcrowding at the facility, which addition will serve a public need and purpose ("the Project"), and

WHEREAS, Clarke County, Frederick County, Fauquier County, and the City of Winchester desire to have the City of Winchester design, construct, and equip the Project pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA").

NOW, THEREFORE, BE IT RESOLVED, that County of Clarke hereby authorizes the City of Winchester to design, construct, and equip the Project pursuant to PPEA.

Adopted this day of , 2003.

Attest:

Signed:

John Staelin, Chairman
Clarke County Board of Supervisors

By consensus it was determined to table the discussion until the July 8, 2003 Board of Supervisors Work Session. Also, Chairman Staelin requested that David Ash contact Mr. Hildebrand and Mr. Mitchell arrange with them to meet with the Board.

SOQ's

Chairman Staelin stated that he had spoken with the State Board of Education regarding SOQ's. JLARC has calculated that there is a shortfall in the State school budget of approximately one billion dollars. The State Board of Education has put forth proposals to close this gap from which Clarke County would receive \$300M. The State Board of Education will push strongly for this funding but the outcome is still uncertain.

Presentation of Resolutions

Chairman Staelin presented resolutions to Thomas McFillen and David Weiss acknowledging their years of service on the County's Planning Commission.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Contact and arrange for Bob Mitchell and Fred Hildebrand to appear before the Board on July 15 to discuss the Regional Adult Detention Center Resolution and Issues. Add to Agenda.	David Ash
2.	Forward approved resolution to Northern Shenandoah Regional Commission.	David Ash
3.	Send appointment letters.	David Ash
4.	Add to the July 15 Agenda - Space Study and Set Public Hearing – Amendment to the Code of Clarke County: County-wide Explosives Ordinance	David Ash
5.	Contact John Riley on Route 644 closure.	David Ash
6.	Contact Bob Mitchell regarding Lewisville DUR issues.	Charles Johnston / Jesse Russell
7.	Compose letter to the Health Department conveying the Boards support of the exemption.	David Ash
8.	Send a letter to the Boyce Volunteer Fire Company conveying the Board's support for BLS Transport Service Certification.	David Ash
9.	Advertise ALS Positions.	David Ash
10.	Pursue funding through supplemental appropriations for ALS positions.	David Ash
11.	Compose a letter to Judge Morrison from the Board acknowledging his innovation and initiative in his recent decision that assessed penalties to benefit the Litter Committee.	David Ash
12.	Supervisor Dunning to provide information to County Administrator with issues regarding Clarke County residents with Warren County addresses.	Supervisor Dunning

Next Meeting:

The next meeting of the Board of Supervisors is set for July 15, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 3:16 p.m.

ATTEST: June 17, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS

July 15, 2003Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, July 15, 2003.

Present

Chairman John Staelin, Supervisor Byrd, Supervisor Dunning, Supervisor Hobert, and Supervisor Weiss

Also Present

Charles Johnston, David Ash, Tom Judge, Jeff Lineberry, Bob Childress, Ricky Pope, Ed Breslauer, Dana Storm, Joe Hickey, Susie Bailey, David Nelms, Alison Teetor, Michelle Rosati, Brenda Van Keuren, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order a 9:05 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

- Move to Miscellaneous: Consent Agenda Item Resolution Regional Adult Detention Center
- Move Item 15: Set Public Hearing - Text Amendment - amendment of the County Well Ordinance, Section 184-10 so as to add item J. prohibiting Open-Looped Ground-Source Heat Pump Wells. TA-03-10 (AT) to Item 8 B) USGS Quarterly Report
- Add Closed Session for Personnel, Real Estate, and Contract Matters
- Add to Clarke County School Items: Facilities Planner Resolution

Vice Chairman Hobert moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Regular Meeting June 17, 2003

On page 748, Supervisor Byrd noted that the vote on the Clarke County Humane Foundation Site Plan Special Use Permit SUP-03-04 was incorrectly noted for both Weiss and Hobert. With the consent of Vice Chairman Hobert and Supervisor Weiss, the votes shall be changed to Aye for both.

Supervisor Byrd moved to accept the meeting minutes for June 17, 2003 as amended. The motion carried by the following vote:

- | | | |
|----------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Absent |
| Supervisor Weiss | - | Aye |

Citizen Comment Period

No citizens appeared to address the Board.

New Biosolids Regulations

- Alison Teetor

Alison Teetor, Natural Resources Planner, appeared before the Board to provide a summary of the changes to regulations on Biosolids. She explained that the changes were at the State level. Clarke County's ordinance may need to be changed to add the revised references to State codes. Alison has forwarded a copy of Clarke County's ordinance to the State for review. She expressed some concern regarding possible conflicts with the County's set backs, which are greater than the State's requirements. Ms. Teetor opined that a review of the ordinance by Bob Mitchell might be needed.

There was general discussion regarding applicators. Supervisor Dunning worried that the water table was high and could be polluted by Biosolids. There has been little application this year. Supervisor Weiss put forth that samples have been fine. Chairman Staelin and Ms. Teetor agreed that the samples are good and well below State standards.

Shrink Swell Report

- Alison Teetor

Alison Teetor, Natural Resources Planner, appeared before the Board to provide a summary of Shrink/Swell data collected during 2001 and 2002. The data presented indicated that greater than 90% of the County's soils appeared to be correctly identified. By consensus, the Board determined that an annual report was no longer necessary and waiving this requirement would not result in an amendment to the County's ordinance.

USGS Quarterly Report

- Alison Teetor/David Nelms

David Nelms, USGS, appeared before the Board to review the quarterly report. He stated that in April he had noted dramatic changes in 52 wells and 23 springs they measure in the County. Several types of tests were conducted for how the water moves through the ground. Currently, there are 15 principal investigators in this region; and there is a growing interest in the research. There is a fractured rock specialist, Alan Shapiro, who is looking at this area. Additional researchers will provide more information, as well as other sources of funding.

Mr. Nelms had the Board look at graphs from the well at Blandy. The graphs show that the County has gone from a record low to a record high. This is the wettest spring on record, which is one reason why a drop in water level has not yet been seen. With the data they are recording, it allows researchers to start looking for patterns. Sun spot activity is being studied as one possible explanation for the fluctuations. Sun spot activity runs in 10- to 11-year cycles, while droughts run in 30-year cycles. Mr. Nelms put forth that one reason why Clarke County has been hit so hard over the past few years is that ground water storage appears to be temporary.

Mr. Nelms stated that every time he goes out to gather information he learns something new. Only measurements taken over a period of time will provide the data required to establish

trends and determine action. Mr. Nelms, explaining how sinkholes occur, stated that current conditions are prime for the development of sinkholes with the soil being heavy from the weight of the water. Vice Chairman Hobert reminded the group that they were looking for actionable data, not a science project.

Virginia Department Of Transportation
- Jeff Lineberry, Resident Engineer

Jeff Lineberry, Bob Childress and Ricky Pope, appeared before the Board to provide the monthly update.

Route 700 Jack Enders Boulevard:

A public hearing is scheduled for September 10, 2003 from 4:00 to 7:00 pm in the Berryville Town Council Chambers.

Route 636

There is a project meeting with the designer today. VDOT will set up a meeting with the school system. There was discussion on the inclusion of a median strip on 636. VDOT indicated this could be a possibility.

Bridge Repair 50/17

This project is progressing well. Completion is expected in September 2003.

Project Update: Routes 340, 17, 50 Intersection

There is an on-site meeting scheduled today for VDOT, which shall be attended by Supervisor Dunning.

Project Update: Route 340 Curbing & Guttering Repair

This project was completed July 1, 2003.

Route 644 Closure – Set Public Hearing

Frederick County passed resolutions to close both Routes 660 and 644 on the same day. Copies of the Frederick County Board of Supervisors’ Resolutions are included with the Clarke County Board of Supervisors meeting materials for July 15, 2003.

The Board of Supervisors of Clarke County, in a regular meeting on the 15th day of July 2003, adopted the following:

RESOLUTION

WHEREAS, it appears to this Board that Secondary Route 644, from Route 655 to the Frederick County line, a distance of 0.2 mile, serves no public necessity and is no longer necessary as a part of the Secondary System of State highways.

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of Route 644, pursuant to §33,1-151 of the Code of Virginia of 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

Recorded Vote

Moved By: _____

Yeas: _____

Nays: _____

A Copy Teste:

John Staelin, Chairman

Clarke County Board of Supervisors

Vice Chairman Hobert moved to set the matter for public hearing on July 15, 2003, at 9:30 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Bob Childress requested that a copy of the signed resolution be forwarded to VDOT as soon as possible so it could be posted along the route.

Route 660 Closure

Bob Childress spoke to Mr. Duvall about a gate at the end of Route 660.

Route 7 Business – Traffic Signal

Mr. Lineberry stated that there was nothing additional to report. He sent a copy of the newspaper article describing the recent accident at the intersection to Pierce Homer for consideration.

Vice Chairman Hobert requested that another letter should be sent to Piece Homer communicating that this intersection represents a threat to the people of the community. Chairman Staelin suggested a joint effort with the Mayor of Berryville. Mr. Staelin requested David Ash to follow up with the Mayor and draft a letter.

FEMA/Mt. Weather Facility Road Construction

Jeff Lineberry indicated that VDOT had a meeting with the contractor this afternoon. He further indicated that the construction was “fast tracked” to insure completion before winter.

Chairman Staelin stated that Jim Looney has requested to address the Board at the August meeting to discuss the road construction. Mr. Staelin emphasized that the road was to be designed to Mountain Standards. Bob Childress stated that he has met with Jim Looney and related the Board’s desire to comply with Mountain Standards and the rural design of the road. He has received copies of the plan, which he will forward to David Ash.

Chairman Staelin expressed concern regarding comments he has heard about the number of trees that would be cut down. Mr. Staelin requested VDOT to be present at the next meeting during the review with Mr. Looney.

Greenwood Church – Double Toll Gate

Supervisor Byrd requested the status of the Greenwood Church’s request to use the abandoned road adjunct to their property. Mr. Lineberry stated that he is reviewing their request.

Wadesville Road

Supervisor Byrd expressed concern regarding a culvert on Wadesville Road stating that the road was very narrow and on a curve in the area below Allegheny Ridge Lane. Constituents fear that speeding in this are could lead to problems.

Clean Up

Supervisor Byrd thanked Ricky Pope for cleaning up Crim’s corner.

Public Hearing – Special Use/Site Plan

- Charles Johnston, Planning Administrator

Omnipoint Communications Cap Operations LLC, requests the approval of a Special Use and Site Plan for a 100-foot enclosed monopole for telecommunications antennae located at 653 Mt. Carmel Road, Tax Map Parcel 39-((A))-75, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). SUP-03-02

Jesse Russell, Zoning Administrator, appeared before the Board to provide a brief history of the zoning request and subsequent approval by the Board of Zoning Appeals. Mr. Russell stated that the pole height has been reduced from 100 to 85 feet. The Planning Commission has also reviewed and approved the Special Use/Site Plan with a formal request that landscaping be included on Mount Carmel Road and the site plan be revised to show the landscaping. Further, the Planning Commission asked that the billboard sign for Mountain Lake Campground be removed.

Brenda Van Keuren, owner of Mountain Lake Campground, stated that the billboard sign for the campground has been in place since 1956 and was grand fathered under the County's current ordinance. She opined that if the sign were removed it would destroy her business.

Chairman Staelin queried Mrs. Van Keuren regarding her willingness to enter a written agreement stating that the billboard would not be leased for use by anyone other than Mountain Lake Campground. Mrs. Van Keuren stated that the property was in her husband's name and the County would need his approval. Mr. Staelin instructed staff to work with the Van Keurens.

Supervisor Dunning stated that he was unwilling to approve the special use/site plan until Omnipoint paid the fees. Also, he expressed concern about a possible negative impact on property values in the adjunct area.

Michelle Rosati, legal counsel for Omnipoint, stated that the problem with the payment appeared to stem from the Washington State location. She assured the Board she would follow up on this immediately. She addressed Mr. Dunning's fears regarding negative impact on property values stating that in her ten years in the industry she had not seen any study that provided credible information indicating there was a diminutive affect on real estate. She further stated that she had a property value impact survey by a Mr. Thorn, who was present and available to address any questions the Board might have on this matter.

Anne Caldwell, Planning Commission member, expressed her desire for the Board to approve the special use/site plan and requested that they place a bond on the landscaping to ensure its completion. Also, she felt the landscaping would alleviate the obviousness of the tower.

Chairman Staelin opened the public hearing at 10:40 am. There being no additional persons wishing to address the matter Chairman Staelin closed the public hearing at 10:41 am.

Mr. Russell stated that Omnipoint meets the spirit and intent and the process has been a collaborative effort with the Planning Commission and the Board of Zoning Appeals. Given the payment history, Chairman Staelin requested that Mr. Russell and Mr. Johnston explore the possibility of a bond on the landscaping.

Supervisor Byrd inquired about the color of a tower Omnipoint has in place near the quarry. Ms. Rosati stated that this was the color approved by the Board; it is galvanized steel and very shiny now but will dull/weather in time. Supervisor Weiss requested that if it does not weather to that color that they paint the tower.

Supervisor Byrd moved to close the public hearing but continue discussion on the matter until the next meeting of the Board of Supervisors scheduled for Tuesday, August 19, 2003.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Abstain
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Vice Chairman Hobert wished it to be noted for the record that he did not participate in the discussion and abstained from voting.

Set Public Hearing – Amendment to the Code of Clarke County: County-wide Explosives Ordinance

- Charles Johnston, Planning Administrator

Mr. Johnston appeared before the Board to provide an overview of the proposed amendment. He explained that the 150’ requirement was believed by Chester Engineering to be a conservative, defensible figure. Supervisor Weiss stated that it was his belief that blasting should be discouraged on three-acre lots as much as possible. Chairman Staelin asked about notification of adjunct property owners prior to blasting.

By consensus, it was determined additional research was needed on this issue before setting it for public hearing. Chairman Staelin asked Mr. Johnston to meet with the Board members individually to identify their concerns.

Set Public Hearing – Rezoning [RZ-03-02]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Map so as to change the zoning designation on the following properties:

Tax Map #	Owner Name Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
25B-((A))-6A	Bluemont Homes Inc. 50 Ross Lane	4.65	Neighborhood Commercial w/ proffers est. in '82	Residential	Forestal – Open Space- Conservation
26-((A))-25/26	R.E. & L.T. McClaughry 445 Pine Grove Road	2.28	Forestal – Open Space- Conservation	Convenience Store in front & 6 mobile homes in rear	.30 acres (front 65 ft)* Neighborhood <u>Commercial</u> ; 1.98 acres - FOC
26-A-86	Glen Poe 574 Pine Grove Road	1.96	Neighborhood Commercial w/ proffers est. in '82	Restaurant in front & 2 mobile homes in rear	.68 acres (front 85 ft)* Neighborhood Commercial <u>w/o proffers</u> ; 1.28 acres - FOC

** not including 30 feet from the centerline of Pine Grove Road (Route 679)
all located generally on Harry Byrd Highway, Retreat Road, and Pine Grove Road (Routes 7, 643, and 649) in the community of Pine Grove, Battletown Magisterial District. (RZ-03-02)*

Charles Johnston appeared before the Board to provide an overview of the proposed rezoning. Mr. Johnston stated that the rezoning of two properties listed also was discussed, but the owners stated to the Planning Commission that they were not interested in having their property rezoned. Chairman Staelin requested that Mr. Johnston obtain written confirmation from the owners of their position.

Tax Map #	Owner Name Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
25-((A))-8A	Blue Ridge Fire Co 131 Retreat Road	2.84	Neighborhood Commercial	Volunteer Fire Co.	Forestal – Open Space-Conservation
26-A-43	James & Tracee Wink 1162 Pine Grove Road	2.00	Forestal – Open Space- Conservation	Restaurant	Neighborhood Commercial

Vice Chairman Hobert moved to set the matter for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard for Parcels 25B-((A))-6A, 26-((A))-25/26, and 26-A-86.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Set Public Hearing Text Amendment [TA-03-07]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance Sections 8-B-1, Initiating (Text and Zoning Map) Amendments by Petition of Property Owner; 10-E, procedures Public Hearings, and the County Subdivision Ordinance Sections 4-F, procedures for Public Hearings so as to:

- *clarify that a Zoning Ordinance text amendment may be initiated only by resolution of the Board of Supervisors or Planning Commission*
- *bring public hearing requirements into accordance with the Code of Virginia and*
- *simplify public hearing requirements. (TA-03-07)*

Charles Johnston appeared before the Board to provide an overview of the proposed text amendment. Mr. Johnston stated that under this text amendment a Clarke County citizen could not propose a text amendment. Chairman Staelin clarified that citizens do have the right to petition the Board of Supervisors and the Planning Commission to institute such changes.

Vice Chairman Hobert moved to set the matter for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Set Public Hearing - Text Amendment [TA-03-08]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Section 3-D-8, Parcels with Zero Dwelling Unit Rights and Section 3-D-9, Lot size in the AOC Zoning District, so as to amend the conditions under which parcels may be created with zero dwelling unit rights and allow a maximum lot size exception for properties under easement to the Clarke County Conservation Easement Authority. TA-03-08

Mr. Johnston appeared before the Board to review the proposed text amendment. During discussion, it was requested that the text be amended as follows: 3-D-8 3. *add* "and approved by the Clarke County Board of Supervisors". 3-D-9 c. *remove* and/or before Virginia Outdoor Foundation, *add* "and/or any other entity authorized to hold an open-space easement pursuant to the Virginia Open-Space Land Act (§10.21-1700, Code of Virginia) and approved by the Clarke County Board of Supervisors,"

Supervisor Dunning moved to set the matter, as amended, for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Set Public Hearing - Text Amendment [TA-03-10 (AT)]
 - Alison Teetor, Natural Resources Planner

The Clarke County Board of Supervisors will consider the amendment of the County Well Ordinance, Section 184-10 so as to add item J. prohibiting Open-Looped Ground-Source Heat Pump Wells. TA-03-10 (AT)

Alison Teetor appeared before the Board to provide an overview of the proposed amendment, which had been brought to her attention by the Health and Building Departments. The open-loop system uses water from a well for heating and cooling. The water is discharged in to a pond or drainage area, which can create a marshy area. With the closed-loop system, the water is not discharged but re-circulated.

Vice Chairman Hobert asked for clarification that the definition of open-loop systems be included in the proposed amendment.

Supervisor Dunning moved to set the matter, as amended, for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Special Entertainment Permit – 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival

Joe Hickey appeared before the Board to request a special entertainment permit for the 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival. He wished to assure the Board and the public that the festival organizers have done a great deal to alleviate public concerns. He explained that the FAA has no minimum requirements over rural areas, however, the organizers have set a minimum height across Route 50 at 500 feet and have informed the pilots of this restriction. Further, if the wind is in the direction of the farms with horses and/or cattle, they may try to have the pilots take off from another location and land at Long Branch.

Supervisor Dunning stated that he does not want the complaints by Dr. Hart taken lightly. Mr. Hickey stated that he has spoken with the Harts about their concerns and a pilot that violated their air space has not been invited back this year. They employ a one-strike rule with attending pilots. Further, Mr. Hickey asserted that in seven years only one horse has been injured; and he personally followed up with the owners.

Last year, additional precautions were put into place and those who wish to have balloons land on their property have been instructed to put a white sheet on the ground. A map of these locations is maintained.

Chairman Staelin expressed his hope that the festival would go well this year and said that if it did not the matter would go to public hearing in November. Mr. Hickey stated that the festival has set a maximum of 40 balloons.

Supervisor Dunning moved to approve the Special Entertainment Permit for the 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye

Supervisor Weiss - Aye

Clarke County School Items:

A. Demographics Resolution Proposed by the Joint Committee on School Construction

Chairman Staelin provided an overview of the demographics process employed by the Joint Committee on School Construction of which he is a member. From the data the committee received, they have determined the projections for the high school at 800 and elementary at 1,050. The committee recommends that both Boards adopt the resolution. The School Board adopted the resolution at their regularly scheduled meeting of July 14, 2003.

Joint Resolution of the
Clarke County Board of Supervisors
and the
Clarke County School Board

Whereas, both the Clarke County School Board and the Clarke County Board of Supervisors recognize that there is a shortage of capacity at both the high school and elementary school level; and,

Whereas, both Boards recognize the importance that quality facilities play in the education of our County's children; and,

Whereas, both Boards recognize that the school capacity problem must be solved and that the cost of the solution will be the largest single expenditure in Clarke County history; and,

Whereas, the responsibility for building schools is divided between the Boards, with the School Board being responsible for the design and construction of school buildings, and the Board of Supervisors being responsible for setting the school construction budget and funding construction; and,

Whereas, this division of responsibility can lead to division between the Boards and within the community; and,

Whereas, both Boards want the community to be united around the idea of expanding school capacity; and,

Whereas, both Boards want the citizens to understand that their tax dollars are being spent wisely; and,

Whereas, both Boards created a Joint Committee on School Construction to encourage unity in the initial planning process for expanding school capacity; and,

Whereas, the key step in the initial planning process is a decision as to how much additional school capacity will be needed; and,

Whereas, the Joint Committee on School Construction formed a subcommittee consisting of a member of the school's staff, a member of the County's planning staff and a representative of the Northern Shenandoah Valley Regional Commission and charged that subcommittee with developing a 10-year forecast of school enrollment growth; and,

Whereas, the subcommittee studied the issue and concluded that the need for capacity at the high school would likely reach a high of 800 students within the 10-year planning projection; and,

Whereas, the subcommittee stated it was more difficult and less certain to project enrollment at the elementary level over the next ten years as it could not predict the birth rate for the next 5 years, but felt comfortable predicting a total enrollment of 1050 students including pre-school students at this time; and,

Whereas, the Joint Committee on School Construction agreed to adopt both projections and forward its views to both the School Board and the Board of Supervisors with the request that both Boards ratify its actions;

Now therefore be it resolved, that the Clarke County School Board and the Clarke County Board of Supervisors accept and adopt the enrollment projections agreed upon by the Joint Committee on School Construction as the basis upon which further analysis and planning will be based.

Approved and adopted by the Board of Supervisors
at a Regular meeting held on July 15, 2003.

Approved and adopted by the School Board at a
Regular meeting held on July 14, 2003.

John Staelin, Chairman

Bent Ferrell, Chairman

Vice Chairman Hobert moved to adopt the Joint Resolution of the Clarke County School Board and the Clarke County Board of Supervisors as presented.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

B. Resolution to Acknowledge Accomplishments of Clarke County High School

Vice Chairman Hobert stated according to the information presented at the July 14 School Board meeting Clarke County schools had done well with the SOL's and have a drop-out rate below 1%, which is considerably lower than neighboring areas.

Chairman Staelin requested that the Board delay action on the schools performance resolution suggesting that additional data be added to the resolution. He requested that the Board revisit the matter during the August 2003 Board of Supervisors meeting.

RESOLUTION

WHEREAS, Clarke County enjoys a rich historical heritage, possesses outstanding natural and scenic features, and an outstanding, involved citizenry; and

WHEREAS, it takes an educated and informed community to preserve these outstanding qualities for future generations; and

WHEREAS, the success and improvement of our society depends on preparing its members to face challenges at levels of complexity unimaginable just a few short years ago; and

WHEREAS, a critical public institution responsible for preparing citizens to meet these challenges of the present and future while preserving our past are the public schools; and

WHEREAS, positive recognition of our public institutions by organizations outside of our County reflect highly on our community; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Clarke County takes great pleasure in noting that Clarke County High School has again been recognized on the Challenge Index of American High Schools as published by *Newsweek* magazine. The Index ranked the High School in the top 1% of the more than 14,000 high schools in the United States. This ranking supports the statement on our County website that says, "The award winning county school provides an educational environment that prepares our children to be ready for the future." The dedicated efforts of the entire school division staff, hard work and superb behavior f the students, and support of parents make Clarke County Public Schools the outstanding public institution that it is.

Adopted this 15th day of July 2003.

Attest:

Signed: _____

John Staelin, Chairman

Clarke County Board of Supervisors

C. Resolution to Retain Moseley Architects as Facility Planner

Resolution

Whereas, the Clarke County Board of Supervisors and the Clarke County School Board have agreed that there is a shortage of school capacity at both the high school and elementary school levels, and

Whereas, both Boards recognize that there are several options for expanding school capacity and that a detailed study of the options needs to be completed by a skilled Facility Planner before the best option can be determined, and

Whereas, the Joint Committee on School Construction unanimously recommended Moseley Architects, and

Whereas, the Board of Supervisors supports the process that has been adopted by the Joint Committee and has agreed to pay the cost of the work, and

Whereas, the School Board will contract with the Facility Planner only after the Joint Committee approves the scope and cost of the project,

Now therefore be it resolved, that the Clarke County Board of Supervisors endorses the selection of Moseley Architects and asks that the Joint Committee work as a team to define the scope of the project and complete the contracting process.

Adopted this 15th day of July, 2003.

Attest:

Signed: _____
John Staelin, Chairman
Clarke County Board of Supervisors

Following discussion, **Vice Chairman Hobert moved to adopt resolution to retain Moseley Architects and to endorse the School Board entering into a contract with same.**

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Space Study

Chairman Staelin apprised the Board that the Bank of Clarke County has purchased a Wachovia Bank location, which has lifted the issue of losing the bank building space. There are still questions concerning the Town of Berryville and their need to expand. Mr. Ash stated that he has had a lengthy conversation with Chester Engineering regarding the County's interest and he does know that the Town of Berryville does need to make a decision soon.

Vice Chairman Hobert stated the Board should give the Town of Berryville the option of giving a recommendation. He further stated that he and Supervisor Dunning would look at this issue over the next 30 days.

Acknowledgement of Receipt of Abstract of Votes – 2003 Republican Party Primary Election for Member Senate of Virginia

The Clarke County Electoral Board submit the Abstract of Votes for the 2003 Republican Party Primary Election for acknowledgment by the Board of Supervisors.

Closed Session:

Vice Chairman Hobert moved to convene into closed session pursuant to Section §2.2.3711-A1, §2.2.3711-A3 and §2.2.3711-A6 of the Code of Virginia, as amended, to discuss matters of personnel, real estate and contract.

The motion was approved as follows:

- | | | |
|----------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Absent |

Supervisor Weiss - Absent

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman Hobert moved to reconvene in open session. The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Absent

Vice Chairman Hobert moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Absent

Discussion Of Committee Action

Board of Supervisors Work Session

During the July 2003 Board of Supervisors Work Session, Fred Hildebrand, Superintendent Adult Regional Detention Center, and Robert Mitchell addressed the Board on the proposed resolution for expansion of the facility. The Work Session report is on file and discussion of the matter moved to Miscellaneous.

Personnel

Appointment to Authorities, Boards and Commissions:

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Conservation Easement Authority	George L. Ohrstrom, II	12/31/03
<i>George Ohrstrom is a new appointee filling the un-expired term of David Weiss on the Conservation Easement Authority. This term will expire December 31, 2003.</i>		

Supervisor Byrd moved to accept in whole the appointment as presented. The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Finance

Supplemental Appropriations for Fiscal-Year 2004

Open Space Easement Program: Be it resolved that the FY 04 budget be amended to increase expenditures \$82,1000 for purchase of Open Space Easements, and to carryover unexpended appropriations of \$67,900 from FY 03 and that both amounts be appropriated.

Emergency Medical Technicians: Be it resolved that the Emergency Medical Services expenditure budget be increased \$80,600, and the same appropriated.

Vice Chairman Hobert moved to approve the supplemental appropriations. The motion was approved by the following vote:

- | | | |
|----------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Absent |
| Supervisor Weiss | - | Aye |

Regional Jail requested a supplemental appropriation of \$95,354 for FY04. The Finance Committee has recommended additional information before acting on the request.

The Sheriff's Department and the Circuit Clerk's Office have exceeded departmental budgets for FY03. It is recommended any action regarding a supplemental appropriation be postponed until all invoices have been received.

Communications Systems Analysis and Recommendations. This is a proposal to review Clarke County's emergency communications systems by an agency contracted by the State. The purpose of the review is to provide information on current equipment and where we ought to be over the next five years. This review is very costly and Mr. Ash has asked the Sheriff and the 911 Coordinator to revisit and provide a more focused proposal.

Funding for Public Awareness Campaign Supporting Full State funding for Education. There is a request by Frederick County for Clarke County to participate in a public awareness campaign, which will consist of radio spots over the next three months. The total cost is \$40,000, which will be shared equally between the participating counties of Frederick, Warren, Shenandoah and Page. Clarke County's portion will be approximately \$8,000.

Chairman Staelin apprised the Board of a website, www.betterva.org, where they could find additional information on this proposal.

Supervisor Byrd moved to support the program as long as it is affordable and the cost to Clarke County is based on population rather than equal shares. The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |

Supervisor Dunning	- Absent
Supervisor Weiss	- Aye

Chairman Staelin stated that he would probably have a resolution prepared for the August meeting. While the General Assembly is discussing tax reform and the role of government, he believes that we need to make a stand and ensure our representatives are aware of our beliefs in what we think are State roles.

Fund Balances will be reviewed at the next meeting of the Board of Supervisors scheduled for August 2003.

Project Update

- David L. Ash, County Administrator

Courthouse

The tax credit work has been accomplished. Still have some landscaping issues and payment is being withheld. A new contractor is being sought to complete the work. Champion Iron, a new business in the Business Park, will be replacing the fence.

Coiner House

The County has a written agreement with them indicating that the County would pay half of the cost. With regard to the fire suppression equipment, Coiner House decided that they did not want what was originally specified because it was visible, which they removed and replaced with more expensive equipment. Now, there are questions as to who is responsible for payment to repair the holes in the walls and floors resulting from the partial installation and subsequent removal. Tom McFillen has indicated that the Historical Association side may be willing to pick up the cost. Chairman Staelin requested that the Board provide guidance to staff on how to proceed with this issue.

Communications Tower

Chairman Staelin queried reference to power interruptions. Mr. Ash stated that the system recognizes even small power outages and will switch back to the original transmitter without any indication of the change. He will explore the options available, including the use of a battery back up system.

Bills And Claims

- J. Michael Hobert, Vice Chair

Following discussion, **Vice Chairman Hobert moved to accept the Bills and Claims as presented for the month. The motion was approved by the following vote:**

Chairman Staelin	- Aye
Vice Chairman Hobert	- Aye
Supervisor Byrd	- Aye
Supervisor Dunning	- Absent
Supervisor Weiss	- Absent

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors. Copies of his monthly reports were distributed for review and included in the July 2003 Board of Supervisors file.

Mr. Sours informed the Board he had closed on a lot in the Business Park with a Telephone Components, a company from Long Island, NY that has been in business for 30 years.

Chairman Staelin requested Mr. Sours provide the Board with summary information about the Business Park sales in his monthly update.

Miscellaneous Items

Resolution Regional Adult Detention Center

David Ash advised the Board on this matter. As requested during the Board of Supervisors Work Session on July 7, Robert Mitchell revised the resolution.

RESOLUTION

WHEREAS, Clarke County, Frederick County, and the City of Winchester own land on which the Regional Adult Detention Facility is located; and

WHEREAS, Clarke County, Frederick County, Fauquier County, and the City of Winchester comprise the Regional Jail Board, which operates the Regional Adult Detention Facility; and

WHEREAS, an addition to the Regional Adult Detention Facility is needed to relieve overcrowding at the facility, which addition will serve a public need and purpose ("the Project"); and

WHEREAS, Clarke County, Frederick County, Fauquier County, and the City of Winchester desire to have the City of Winchester design, construct, and equip the Project pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA"), subject to approval of the four jurisdictions of appropriations to fund the Project.

NOW, THEREFORE, BE IT RESOLVED that Clarke County hereby authorizes the City of Winchester to design, construct, and equip the Project pursuant to the PPEA, subject to approval by the Clarke County Board of Supervisors of appropriations to fund the Project.

Adopted this 15th day of July 2003.

Attest:

Signed:

John Staelin, Chairman
Clarke County Board of Supervisors

Vice Chairman Hobert stated that the proposed resolution could appear to be directive of action to spend money and he did not wish to give the wrong impression. Therefore, Mr. Hobert requested that the last paragraph of the resolution be amended to read "...authorizes the City of Winchester to plan for the design, construction, and equipping of the Project ..."; and suggested that the Board might wish to delay action until the August meeting. Chairman Staelin stated that the resolution would allow the City of Winchester to approach PPEA. Mr. Staelin indicated that he had no problem with the proposed change; and since they were not committing any funds, he did not wish to delay the process any further.

Vice Chairman Hobert moved to approve the resolution as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

The Jail Board has made a request for an additional appropriation of \$95,000 this year, part of which is to hire additional employees. Mr. Ash stated that a special meeting of the Jail Board is scheduled for July 17, where the Jail Board will be asked to consider other alternatives. Chairman Staelin stated that regional partnerships are very important and the Board continues to support the jail and do its share. However, the meeting tomorrow may

change things; therefore, action on this item will be postponed until more details are provided.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Forward copies of FEMA road construction plans.	VDOT
2.	Provide VDOT with a copy of the signed resolution for intent to close Route 644.	David Ash
3.	Publish notice of road closure.	David Ash
4.	Screen material on FEMA road construction plan and provide the Board with a report including any issues.	David Ash
5.	Include FEMA on August agenda.	David Ash
6.	Draft a letter to Piece Homer communicating that the Route 7 Business intersection represents a threat to the people of the community. Follow up with the Mayor of Berryville.	David Ash
7.	Contact Frederick County regarding funding for public awareness campaign supporting full state funding for education.	David Ash
8.	Send appointment letters.	David Ash
9.	Reschedule Work Session, Personnel and Finance meetings from August 11 to August 18.	David Ash
10.	Draft a formal agreement for the Van Keurens to sign regarding their billboard sign.	David Ash / Jesse Russell
11.	Explore the possibility of a bond on the landscaping for Omnipoint.	Jesse Russell / Chuck Johnston
12.	Meet with the Board members individually to identify their concerns regarding County-wide explosives ordinance.	Chuck Johnston
13.	Review space issues and contact the Town of Berryville for input and provide presentation for Work Session.	Hobert / Dunning
14.	Provide guidance to staff on Coiner House issue.	David Ash
15.	Contact Chuck Johnston to initiate research on signage in County.	John Staelin
16.	Economic Development monthly summary information about Business Park sales.	John Sours

Next Meeting:

The next meeting of the Board of Supervisors is set for August 19, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 2:15 pm.

ATTEST: July 15, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
August 19, 2003 Regular Meeting 9:00 a.m.
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, August 19, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

Charles Johnston, David Ash, Tom Judge, Jeff Lineberry, Bob Childress, Ricky Pope, Ed Breslauer, Jim Looney, Dana Storm, Michelle Rosati, Jerry Herrmann, Bob Ford and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order a 9:04 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add to Miscellaneous: Confirmation of Board of Supervisors Work Session tentatively scheduled for August 25, 2003 at 6:00 pm.

Add to Public Awareness Campaign – Virginia Association of Counties – VACo Update by John Staelin.

Add to Miscellaneous: Resolution to Acknowledge Accomplishments of Clarke County Public Schools

Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Regular Meeting July 15, 2003

Supervisor Byrd moved to accept the meeting minutes for July 15, 2003 as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Consent Agenda

A. Endorsement of Performance Contract – Northwestern Community Services

B. Parents of Murdered Children Day of Remembrance Proclamation

PROCLAMATION

DAY OF REMEMBRANCE
SEPTEMBER 25, 2003

WHEREAS, the fifth annual Parents of Murdered Children for the family and friends of those lost to violence Day of Remembrance will be commemorated on September 25, 2003; and

WHEREAS, Parents of Murdered Children helps survivors deal with acute grief in a safe, non-judgmental environmental and helps them through the maze of the criminal justice system; and

WHEREAS, the annual Day of Remembrance honors the memories of all children and adults lost to murder, allowing their silent voices to be heard and insights into the personal pain and loss of their families and friends; and

WHEREAS, the annual Day of Remembrance provides an opportunity for the community to share in remembering those lives lost senselessly to violence;

NOW, THEREFORE BE IT RESOLVED, the Clarke County Board of Supervisors do hereby proclaim September 25, 2003 as the Day of Remembrance.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 19th day of August 2003

John Staelin, Chairman
Clarke County Board of Supervisors

Supervisor Dunning moved to approve the Consent Agenda. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation
- Jeff Lineberry, Resident Engineer

Jeff Lineberry, Bob Childress and Ricky Pope, appeared before the Board to provide the monthly update.

Route 601 Relocation:

Jim Looney, Director FEMA Emergency Operations Mount Weather, appeared before the Board to provide an overview of the proposed relocation plan. While the majority of the relocation will occur within Clarke County, there will be one cul-de-sac in Loudoun County. FEMA has coordinated this change with Loudoun County and has received from them a letter of support.

The proposed change is to improve road safety and facility security. It eliminates two 90° turns on the current road. A traffic study conducted by FEMA shows that 90% of the traffic on this road is their own employees.

FEMA has contacted everyone on the mountain and is working closing with the property owners closest to the facility. Thus far, they have received no negative feedback from the residents on the proposed relocation. When Supervisor Byrd queried as to where resident's mailboxes would be moved, the Board was informed that FEMA had the approval of the Post Office on the relocation, which was on the same side of the road as the property owners.

The new road will be built to current rural standards at FEMA's expense. Upon completion, it will be given to VDOT. The required storm water pond will be constructed adjacent to the 605 intersection.

Chuck Johnston, Planning Administrator, advised that prior to naming the road FEMA should coordinate with the County's 911 Coordinator, Pam Hess. This would facilitate emergency response.

Supervisor Weiss moved the Clarke County Board of Supervisors provide a letter of support to VDOT for the proposed location of Route 601. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

FEMA requested that a copy of the letter of support be sent to them as soon as possible.

Route 644 Closure – Public Hearing

David Ash provided an overview of the requested closure explaining that it was being done in conjunction with Frederick County. Frederick County has already closed their side of this road.

At 9:50 am, Chairman Staelin opened the public hearing for public comment. There being no persons present wishing to address this matter the public comment portion of the hearing was closed.

The Board of Supervisors of Clarke County, in a regular meeting on the 19th day of August 2003, adopted the following:

RESOLUTION

WHEREAS, the public notice was posted as prescribed under §33,1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of the road described below from the Secondary System of State Highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 644, from Route 655 to the Frederick County line, a distance of 0.2 mile, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED: this Board abandons the above described section of road and removed it from the Secondary System of State Highways, pursuant to §33,1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

Moved By: _____

Yeas: _____

Nays: _____

A Copy Teste:

John Staelin, Chairman

Clarke County Board of Supervisors

Supervisor Weiss moved to adopt the proposed Resolution. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Abstain
Supervisor Weiss	-	Aye

Copies of the signed resolution are to be forwarded to VDOT and John Riley, Frederick County Administrator.

Sketch Plan of Road Improvements Route 636

VDOT stated that survey work has begun. A revised letter has been sent to affected residents, with a copy to David Ash. Thus far, they have received no negative feedback.

Discussion of Route 7 Business Signal Light

Friday, August 15, VDOT met with Audley Farm regarding the proposed signal light. Mr. Lineberry opined that this had been a positive meeting.

Safety Improvement Projects Status Report

Mr. Lineberry provided the project status update.

- Route 621 right-turn lane will be surfaced on August 20.
- Double Toll Gate turn lanes are in progress now and the traffic signals will be adjusted to accommodate the additional lines once complete.
- Bridge repair on Route 50 is scheduled for completion by November 1.
- Road resurfacing in the County is finished.

Maintenance Activities Update

- Mowing on primary roads is complete but will begin again after Labor Day.
- Mowing on secondary roads is in process. Both Supervisor's Dunning and Byrd raised the issue of Johnson Grass, particularly on Route 620. Also, they expressed concern

regarding the quality of the work performed. Mr. Lineberry stated that they had cut the mowing budget for secondary roads due to budgetary restraints.

Six-year Improvement Plan

Jeff Lineberry requested a meeting with the Board in September to discuss the Six-year Secondary Improvement Plan. It was determined to set the meeting for Monday, September 15, 2003 at 11 am.

The Six-year Primary and Urban Improvement Plan review has been scheduled for review on Thursday, October 9, 2003 at Broadway High School. The informal session will begin at 5 pm with the formal session commencing at 7 pm.

Greenwood Church Request

VDOT explained the section of old road that Greenwood Church was requesting to use was discontinued due to construction. VDOT has a special process for abandoning such roads, which does not require a public hearing. They will prepare a resolution on this item.

Jack Ender's Boulevard

A public hearing on Jack Ender's Boulevard has been scheduled for September 10, 2003 at the Berryville Town Council Chambers from 4 to 7 pm.

Painting of Lines at Route 601 and Route 7

Bob Childress stated that he has emailed the Northern Virginia representative on this issue and has not received a response. The proposed line changes will be in Loudoun County.

Allen Road

Supervisor Weiss asked if there was any flexibility in VDOT's requirement that when a third house is added to a private drive it is the responsibility of the home builder to pay for paving a portion of the private drive near the road. VDOT explained that the third house was the cut-off point. Supervisor Weiss explained that it was on Allen Road and the private drive in question came out onto a gravel road. Mr. Childress stated that it was not normal to require the private drive to have a better road surface than the road it was intersecting. In this case, Allen Road was on the Six-year Plan to be paved; however, it was dropped last year.

Dots & Other Traffic Control Measures

Mr. Lineberry is aware of the situation. He will review it and get back to us.

Triple J Road

Supervisor Byrd put forth constituent concerns about speeding and the running the stop light on Triple J Road. Some constituents were inquiring whether it was possible to install a camera at the traffic light for enforcement. Mr. Lineberry stated that it requires special legislation.

Wadesville Road

Supervisor Byrd requested an update on Wadesville Road. Mr. Lineberry indicated that they had looked at the bridge. Also, VDOT added at the end of July chevrons and delineators.

Public Hearing – Rezoning [RZ-03-02]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Map so as to change the zoning designation on the three properties properties:

Tax Map #	Owner Name Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
25B-((A))-6A	Bluemont Homes Inc. 50 Ross Lane	4.65	Neighborhood Commercial w/ proffers est. in '82	Residential	Forestal – Open Space- Conservation
26-((A))-25/26	R.E. & L.T. McClaughry 445 Pine Grove Road	2.28	Forestal – Open Space- Conservation	Convenience Store in front & 6 mobile homes in rear	.30 acres (front 65 ft)* Neighborhood Commercial; 1.98 acres - FOC
26-A-86	Glen Poe 574 Pine Grove Road	1.96	Neighborhood Commercial w/ proffers est. in '82	Restaurant in front & 2 mobile homes in rear	.68 acres (front 85 ft)* Neighborhood Commercial w/o proffers; 1.28 acres - FOC

** not including 30 feet from the centerline of Pine Grove Road (Route 679)
all located generally on Harry Byrd Highway, Retreat Road, and Pine Grove Road (Routes 7, 643, and 649) in the community of Pine Grove, Battletown Magisterial District. (RZ-03-02)*

Chuck Johnston appeared before the Board to provide an overview of the proposed amendment.

At 10:01 am, Chairman Staelin opened the public hearing for public comment. There being no persons present wishing to address the Board regarding this matter the public comment portion of the hearing was closed.

Supervisor Dunning moved to approve the amendment of the County Zoning Map RZ-03-02. The motion was approved by the following vote:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Public Hearing Text Amendment [TA-03-07]

- Charles Johnston, Planning Administrator

*The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance Sections 8-B-1, Initiating (Text and Zoning Map) Amendments by Petition of Property Owner; 10-E, procedures Public Hearings, and the County Subdivision Ordinance Sections 4-F, procedures for Public Hearings so as to:
clarify that a Zoning Ordinance text amendment may be initiated only by resolution of the Board of Supervisors or Planning Commission bring public hearing requirements into accordance with the Code of Virginia; and,
simplify public hearing requirements. (TA-03-07)*

Chuck Johnston appeared before the Board to provide an overview of the proposed amendment. He indicated that the proposed amendment was to correct a flaw in the ordinance.

At 10:04 am, Chairman Staelin opened the public hearing for public comment. There being no persons present wishing to address the Board regarding this matter the public comment portion of the hearing was closed.

Supervisor Dunning moved to approve the amendment of the County Zoning Ordinance TA-03-07. The motion was approved by the following vote:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye

Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Public Hearing - Text Amendment [TA-03-08]
 - Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Section 3-D-8, Parcels with Zero Dwelling Unit Rights and Section 3-D-9, Lot size in the AOC Zoning District, so as to amend the conditions under which parcels may be created with zero dwelling unit rights and allow a maximum lot size exception for properties under easement to the Clarke County Conservation Easement Authority. TA-03-08

Chuck Johnston appeared before the Board to provide an overview of the proposed amendment.

At 10:06 am, Chairman Staelin opened the public hearing for public comment. There being no persons present wishing to address the Board regarding this matter the public comment portion of the hearing was closed.

Supervisor Byrd moved to approve the amendment of the County Zoning Ordinance TA-03-08. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Public Hearing - Text Amendment [TA-03-10 (AT)]
 - Charles Johnston, Planning Administrator

The Clarke County Board of Supervisors will consider the amendment of the County Well Ordinance, Section 184-1 Definitions and Section 184-10 General Requirements so as to prohibit Open-Looped Ground-Source Heat Pump Wells. TA-03-10 (AT)

Chuck Johnston appeared before the Board to provide an overview of the proposed amendment.

Supervisor Weiss asked about grandfather clauses on this amendment and if they had to be replaced would they require them to install a closed-loop system. Mr. Johnston stated that he was not certain how grandfathering would work with this ordinance. He stated that he would research this segment further and present modification, if necessary.

At 10:12 am, Chairman Staelin opened the public hearing for public comment. There being no persons present wishing to address the Board regarding this matter the public comment portion of the hearing was closed.

Vice Chairman Hobert moved to approve the amendment of the County Zoning Ordinance TA-03-10. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Special Use/Site Plan – Item for Action

- Charles Johnston, Planning Administrator

Omnipoint Communications Cap Operations LLC, requests the approval of a Special Use and Site Plan for a 85-foot enclosed monopole for telecommunications antennae located at 653 Mt. Carmel Road, Tax Map Parcel 39-((A))-75, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). SUP-03-02

Chuck Johnston provided for the Board an update on the above request. The applicants were present at the hearing to answer any questions. Also, all fees have been paid.

Regarding the billboard, Mr. Johnston stated that the VanKeuren's have provided a letter stating that they were willing to limit the use to the business only and would remove the sign from the property if no longer needed. Further, he understands they have agreed to file such a covenant. Mr. Johnston suggested that the covenant be a condition of the final approval by the Zoning Administrator.

Chairman Staelin put forth constituents concerns regarding the driveway to the tower. The concern was that unless there was a gate there would be unwanted parking or dumping. Michelle Rosati stated that the applicants were also concerned about limiting access. It was determined that a chain or other barrier be added at the entrance to restrict access.

At 10:17 am, Chairman Staelin re-opened the public hearing portion to receive public comment.

Michelle Rosati, legal counsel for Omnipoint, restated Omnipoint's request to erect an 85-foot monopole. She also restated that they had received approval from the Board of Zoning Appeals and expressed her desire for approval from the Board of Supervisors. Ms. Rosati stated that the color of the pole is to be monopole brown gray.

There being no other persons present wishing to address the Board regarding this matter the public comment portion of the hearing was closed at 10:19 am.

Supervisor Weiss moved to approve the Special Use/Site Plan SUP-03-02 including the recommendations from the Planning Commission and subject to the addition of a chain or other barrier at the entrance. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Abstain
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Public Awareness Campaign – Virginia Association of Counties

John Staelin provided an update on VACO's public awareness campaign. VACO is of the opinion that State government is not keeping up with their obligation to fund public education. Mr. Staelin put forth that in the past VACO has targeted the Board of Supervisors through out the State. However, they now believe it will take public pressure to ensure the matter of educational funding is addressed at the State level. The proposed radio and television advertisements are to raise awareness and get citizens involved. The advertisements are short and cannot provide much education but they direct citizens to places they can go for additional information.

David Ash showed the proposed television advertisements to the Board. Supervisor Dunning stated that he was disappointed with these ads; and in his opinion, they were very weak. Chairman Staelin explained that the budget for the ads was very small. Supervisor Byrd suggested that possibly one of the larger colleges could produce the advertisements as a project, which might reduce cost while helping to educate.

Frederick County has asked the Board to join them in funding this campaign, which they want to run for a period of three months. If cost were based per capita, Clarke County's share would be approximately \$4,000. All Board members agreed to support this expenditure if such a campaign was implemented.

Vice Chairman Hobert and Supervisor Dunning both stated that VACo's efforts have been weak. Vice Chairman Hobert expressed his desire to see them lobby more aggressively for the counties.

The Alliance for Virginia Students, founded by VACo, is asking legislators to sign a pledge of commitment for the support of education. Senator Potts was the second to sign the pledge.

Chairman Staelin directed the Board to look at the projections in the Board book. They showed that the State would have little new money to spend on education next year. He stated that localities are finding it difficult if not impossible to meet the "no child left behind" mandates.

Discussion Of Committee Action

Personnel

The Personnel Committee recommended that David Ash advertise openings on the Clarke County Library Advisory Council and the Disability Services Board. Recommendations on appointments to other organizations are pending receipt of confirmation of willingness of current appointees to serve another term.

The Personnel Committee acknowledged the appointment of the Town Planner, Christie Dunkle, to the Economic Development Advisory Committee. David Ash was instructed to forward written acknowledgement to Ms. Dunkle.

Vice Chairman Hobert moved to approve the recommendations of the Personnel Committee. The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Board of Supervisors Work Session

Based upon comments made during the work session, the directions given in the space planning narrative will be modified to clarify that the library will be added to the phase one allocation analysis. The Renovation and Concept design phase will be placed on hold until the results of Phase One are available. Notice to proceed will be dependent upon an agreement reflecting the instructions included in a revised narrative and detailing activities and deliverables.

David Ash was instructed to notify Moseley regarding the inclusion of the Library and the Sheriff's Department Buildings.

Supervisor Weiss moved to approve the plan. The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Finance

Supervisor Dunning brought to the attention of the Board that in the 2002 Comparative Report of Local Government Revenues and Expenditures the Clarke County Circuit Court is ranked 94 out of 95 in the State with regards to its expenditure level. He stated that Helen Butts is doing a commendable job.

The Capital Projects and General Fund Balance are reviewed annually and the Finance Committee has found them acceptable.

Supervisor Byrd moved to approve the recommendations of the Finance Committee and to approve the following resolutions.

Be it resolved that the School Capital Project's Fund, "Undesignated Project" account, with a current available balance of \$35,000, be supplemented with a budgeted expenditure increase of \$40,960, and the same appropriated, for use in Facility Planning for School construction at a total cost of \$75,960.

Be it resolved that the existing fund balance designations be modified as follows:

Reduce "School Construction" by \$40,960 to \$959,040.

Increase "Senior Center" by \$50,000.

Increase "Parks" by \$50,000.

Add \$150,000 designation for "Government Construction".

Supervisor Byrd further moved that the Regional Jail request for additional funding and that the amount requested (\$73,979) be adjusted from the annualized request to the actual amount required the remainder of this year be set for public hearing on September 16, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates. He informed the Board that projects that were on hold due to weather were finally being finished. Both Chairman Staelin and Supervisor Byrd stated that the Project Update Report was very useful.

Bills And Claims

- A.R. Dunning, Jr., Supervisor

Supervisor Dunning requested clarification from Tom Judge on numerous charges listed in the July accounts including travel expenses, tuition assistance, purchased services and several others. Tom Judge will follow up on an unusually large amount charged by Allegheny Power to 19 W. Main Street.

Following discussion, Supervisor Dunning moved to accept the Bills and Claims subject to verification. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors. Copies of his monthly reports were distributed for review and included in the August 2003 Board of Supervisors file. Mr. Sours told the Board that there is a contract on Lot 12 at the Business Park. Currently, he is talking with two interested parties for Lot 13 and two more for Lots 8 and 9. Supervisor Byrd thanked Mr. Sours for his report on the Business Park.

Mr. Sours stated that the County's website was getting a great deal of action. He has recently included the West Nile Virus and Volunteer Information. He will include a link for Gypsy Moth's next week. Supervisor Byrd requested that Mr. Sours add the land use application deadline information to the website.

John Staelin requested that Mr. Sours verify that the Resident's Guide is being distributed to new home buyers.

Supervisor Weiss asked for clarification on developing horse hay production in the County stating it was already being done. Mr. Sours put forth that a focus group was created consisting of growers and consumers, with the goal of creating a plan of action and to evaluate effectiveness.

Miscellaneous Items

Board of Supervisors Work Session

On Monday, August 25, 2003, Ned Smither of Morgan Keegan will be present to address the Board regarding the ten-year forecast he has developed for the County for funding school construction. There will be discussion of general assumptions, with the ultimate goal of creating several different models so that the Board will be able to give guidance as to how much the County can afford for new schools.

Resolution to Acknowledge Accomplishments of Clarke County High School

RESOLUTION

WHEREAS, Clarke County enjoys a rich historical heritage, possesses outstanding natural and scenic features, and an outstanding, involved citizenry; and

WHEREAS, it takes an educated and informed community to preserve these outstanding qualities for future generations; and

WHEREAS, the success and improvement of our society depends on preparing its members to face challenges at levels of complexity unimaginable just a few short years ago; and

WHEREAS, the public institution responsible for preparing our citizens to meet these challenges of the present and future while preserving our past are the public schools; and

WHEREAS, positive recognition of our public institutions by organizations outside of our County reflect highly on our community;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Clarke County takes great please in noting that Clarke County Public Schools has performed excellently in carrying out its charge of educating our children. Our High School has been recognized on the Challenge Index of American High Schools as published by *Newsweek* magazine, ranking in the top 1% of the more than 14,000 high schools in the United States. All schools are fully accredited by the State of Virginia, with several schools

achieving scores in some subject areas that place them among the top schools in the state. Our student-athletes perform superbly both in and out of the classroom, competing with great success at the highest levels. The results achieved by our students supports the statement on our County website that says, "The award winning county school provides an educational environment and prepares our children to be ready for the future." The dedicated efforts of the entire school division staff, hard work and superb behavior of the students, and support of parents make Clarke County Public Schools the outstanding public institution that it is.

Adopted this 19th day of August 2003.

Attest:

Signed:

John Staelin, Chairman
Clarke County Board of Supervisors

Supervisor Dunning requested that Board recognize that the Challenge Index is flawed. Vice Chairman Hobert stated that it was recognized noting that the Index only looks at the number of tests taken and not the results of these tests. However, County schools have done well in SOL's, SAT's, aptitude tests and sports.

Following discussion, Vice Chairman Hobert moved to adopt the Resolution to Acknowledge Accomplishments of Clarke County High School. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Summary Of Required Action

<i><u>Item</u></i>	<i><u>Description</u></i>	<i><u>Responsibility</u></i>
1.	Forward copies of approved resolution to Close 644 John Riley and VDOT.	David Ash
2.	Forward letter of support for 601 relocation to VDOT, with a copy to FEMA.	David Ash
3.	Schedule a Work Session for 9/15/03 for VDOT.	David Ash
4.	Forward copy of signed proclamation to Parents of Murdered Children.	David Ash
5.	Confirm 8/25/03 Board of Supervisors Work Session.	David Ash
6.	Place review of VDOT 6-Year Plan on the September Board of Supervisors Agenda.	David Ash
7.	Advertise openings for Clarke County Library Advisory Council and the Disability Services Board.	David Ash
8.	Provide written acknowledgement to Christie Dunkle on appointment to the Economic Development Committee.	David Ash
9.	Notify John Riley of Clarke County's decision to participate in the Public Awareness Campaign.	David Ash
10.	Research and propose modifications or monetary limits for repairs to well ordinance regarding replacement of grand fathered systems.	Chuck Johnston
11.	Set Public Hearing on supplemental appropriations for September Board of Supervisors Meeting.	Tom Judge

<i><u>Item</u></i>	<i><u>Description</u></i>	<i><u>Responsibility</u></i>
12.	Follow up on an unusually large amount charged by Allegheny Power to 19 W. Main Street.	Tom Judge
13.	Verify that new property owners are provided a copy of the Resident's Guide.	John Sours
14.	Add land use application deadline notification on website.	John Sours

Next Meeting:

The next meeting of the Board of Supervisors is set for September 16, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 12:04 pm.

ATTEST: August 15, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS

September 16, 2003Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, September 16, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

David Ash, Tom Judge, Ricky Pope, Gary Pope, Jim Coumes, Charles Johnston, Linda Coumes, Warren Arthur, June Hosaflook, Charlie Campbell, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:03 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption Of Agenda:

- Add to Miscellaneous:
- Emergency Preparedness for Hurricane Isabel with discussion regarding the process for declaring a state of emergency for the County – David Ash
 - Waste Transfer Station for Southeastern Portion of County – A.R. Dunning, Jr.

- Add to VDOT the following items:
- Discussion on Primary Highway Improvement Program – John Staelin
 - Secondary Six-Year Plan Comments from Board of Supervisors Work Session held Monday, September 15, 2003 – Barbara Byrd
 - Discussion on Interstate 81 Options – John Staelin
 - Set Public Hearing for Secondary Six-Year Plan – David Ash

Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval Of Minutes:

Regular Meeting August 19, 2003

Supervisor Byrd moved to accept the meeting minutes for August 19, 2003 as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye

Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Consent Agenda

A. CLEAN, INC. - Clarke County Family Day Proclamation

PROCLAMATION
CLARKE COUNTY FAMILY DAY

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children;

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse have consistently found that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes and alcohol;

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, the correlation between family dinners and reduced risk of teen substance abuse are well documented;

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS, family dinners have long constituted a substantial pillar of family life in America:

NOW, THEREFORE BE IT RESOVLED that the Clarke County Board of Supervisors recognizes that eating dinner as a family is an important step toward raising drug-free children; and

The fourth Monday in September shall henceforth be designated National Family Day – A Day to Eat Dinner With Your Children.

Adopted this 16th day of September, 2003.

John Staelin, Chairman
Clarke County Board of Supervisors

David Ash, County Administrator, provided an overview of the Proclamation requested by CLEAN, Inc.

Supervisor Dunning moved to approve the Consent Agenda. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation

Set Public Hearing – VDOT Secondary Six-Year Plan

David Ash advised the Board that subsequent to the review at the Board of Supervisors Work Session a public hearing on the Secondary Six-Year Plan needed to be set. He explained that VDOT would be responsible for the public notice.

Vice Chairman Hobert moved to set the matter for public hearing on October 22, 2003 at 7:30 p.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Primary Highway Improvement Program

Chuck Johnston reviewed the top five projects currently on the Primary Highway Improvement Program. Chairman Staelin stated that VDOT was trying to raise safety funds for the Senseny Road and Route 340 intersection and solicited the opinion of the Board regarding the elevation of this project from its current position.

Following discussion, **Supervisor Weiss moved to elevate the position of the Senseny Road and Route 340 Intersection on the Primary Highway Improvement Program to the second priority and reduce all other enumerated items down by the corresponding number.**

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Chuck Johnson was directed to revise the priorities on the Primary Highway Improvement Program.

Interstate 81

Two proposals have been made for improvements to Interstate 81 and regional public meetings will be held to discuss the merits of each proposal. Chairman Staelin urged Board members to attend the meetings so that they might have a better understanding of the impact on the area. Supervisor Dunning opined that with the mountains on both sides of the interstate there are festering environmental issues.

Chairman Staelin advised the Board that there are also proposed improvements to local rail lines from Front Royal to Manassas, which will increase rail traffic in Clarke County. With a reduction of truck traffic on the interstate, there will be additional trains, double tracks and increased frequency of trains. Chuck Johnston opined that this could be viewed as an opportunity to improve railroad crossings or review use of whistles.

Revisions to Secondary Six-Year Plan

Supervisors Byrd and Dunning requested that the record reflect the following proposed changes to the Secondary Six-Year Plan as recommended following review at the Board of Supervisors Work Session held on September 15, 2003.

- Lower Speed Limit from 55 to 45 on Kimble Road
- Lower Speed Limit from 55 to 45 on Salem Church to Senseny Road
- Lower Speed Limit from 55 to 45 on Pyletown Road to Salem Church Road
- Lower Speed Limit in front of entrance to the Hermitage on Route 340
- Lower Speed Limit from 55 to 45 on Summit Point Road to coincide with West Virginia's posted speed limit for this road.
- Stop light at entrance of Food Lion and Hermitage.

Supervisor Byrd expressed her support of the change in speed limit in front of the entrance to the Hermitage. Keith Dalton, Berryville Town Manager, stated the Town does concur with Supervisor Byrd that the speed should be reduced in this area; and the Town would put forth that 25 mph is appropriate for that section.

Commissioner of the Revenue Presentation to Warren Arthur

- June Hosaflook, Regional President of the West Central Commissioners of the Revenue

June Hosaflook, Regional President of the West Central Commissioner of the Revenue Association, appeared before the Board to recognize Warren Arthur's level of professionalism achieved with the Commissioner of the Revenue Association. Mr. Arthur was the President of the Association in 2000. While Mr. Arthur previously achieved the status of Certified Commissioner of the Revenue, he is one of twenty-two persons in the State to attain the designation of Master Commissioner of the Revenue.

To achieve the designation of Master Commissioner of the Revenue, a Commissioner must maintain standards, service levels, and complete a combination of education and training. Audits of policy and procedure successfully illustrated Mr. Arthur's achievement of the requirements and standards. Weldon Cooper maintains the records for Commissioner of the Revenue and provides the certifications.

Chairman Staelin extended congratulations to Mr. Arthur on behalf of the Board of Supervisors. Mr. Arthur expressed his appreciation for the work of the Association and the vast amount of work on the part of Commissioner McDonald, who developed the program statewide. He further expressed his appreciation to the Board for their support and for providing him the opportunity to participate in this program. Further, he reminded the Board that Linda Coumes had achieved the designation of Master Treasurer some years ago.

Decal Purchase Through DMV

There was discussion with Linda Coumes, Warren Arthur and the Board regarding the purchase of decals through the DMV. The decal cost is included with vehicle registration and the State charges back to the locality 7% for the service. The cost savings to the localities include envelopes, postage and labor to stuff the envelopes. This pilot program has been implemented in the City of Virginia Beach. The next locality slated for inclusion in this program is Fairfax County. Mrs. Coumes indicated that the Treasurers Association is looking closely at this program and researching the legalities. Both Mrs. Coumes and Mr. Arthur expressed a desire to postpone making any decision regarding implementation until they see how the program works.

Discussion Of Committee Action

Personnel

Personnel Committee did not meet in September 2003. Notice of Intent to Appoint to the Northern Shenandoah Valley Disabilities Service Board and the Clarke County Library Advisory Council was published in the Clarke Times-Courier. The deadline for submission of letters of interest is Friday, October 3, 2003.

Board of Supervisors Work Session

The Board of Supervisors for September 2003 was specific to discussion regarding the Virginia Department of Transportation Secondary Six-Year Plan. For additional information, see the Virginia Department of Transportation [VDOT] Section of these minutes.

Finance

The meeting for the Finance Committee scheduled for 3:00 p.m. today was canceled due to the inability of the school representatives to attend. Mr. Staelin stated that an evening meeting would be preferred to facilitate the presence of the School Board Chair. The date and time for the meeting will be announced.

Public Hearing – Regional Adult Detention Center

"Be it resolved that the FY 04 expenditure budget for the Regional Jail is hereby amended to increase expenditures by \$60,261, and to appropriate the same, for the purpose of hiring additional staff."

David Ash provided an overview of the request for the supplemental appropriation for Jail staff. Currently, there is insufficient staff to adequately supervise the overcrowded facility evidenced by a rise in assaults, battery and influx of contraband.

At 10:28 am, Chairman Staelin opened the public hearing for public comment. There being no persons present wishing to address the Board regarding this matter the public comment portion of the hearing was closed.

Supervisor Weiss inquired whether there would be additional requests for funds from the regional jail. Mr. Ash stated that he did not believe there would be additional requests; however he does have a proposal for another fiscal year that will triple the cost to the County. Mr. Ash stated the requested amount was to cover staff salaries including payroll, fringes and training.

Supervisor Byrd moved to approve the supplemental appropriation "Be it resolved that the FY 04 expenditure budget for the Regional Jail is hereby amended to increase expenditures by \$60,261, and to appropriate the same, for the purpose of hiring additional staff."

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates.

Millwood Project

Millwood Project is on schedule. Mr. Ash advised that future extensions could cause problems and the requirements should be reviewed closely.

Supervisor Dunning said he had heard several complaints regarding the performance of Chester Engineering. After a discussion, Mr. Ash was instructed to talk with staff and compile a list of problems for review by the Board.

Supervisor Weiss asked staff to review the Millwood Project; and if mistakes were made, determine whether they caused an increase in installation cost to the homeowner or the County.

Space Study

Space study information will be available shortly. There are meetings with Moseley Architects and County department heads scheduled for September 15 and 16. Moseley indicated they should have the figures by the October 8, 2003 meeting of the Joint Committee on School Construction.

Conflict of Interest Disclosure for Audit Purposes

- David L. Ash, County Administrator

Mr. Ash informed the Board that similar to Conflict of Interest forms completed annually there are also requirements from the auditors but without forms. Therefore, if any Board member has anything they feel should be disclosed, they are to contact the County Administrator or Tom Judge. The type of disclosure sought by the auditors would be a board appointment to a banking institution with which the County conducts business. Chairman Staelin stated that the Conflict of Interest Statements on file should be sufficient; and if not, staff should inform the Board exactly what additional disclosure was desired.

Bills And Claims

- David Weiss, Supervisor

Supervisor Weiss requested clarification of the Board policy regarding allocations in the case where a particular line item has already reached 100% of the fiscal year allocation. Chairman Staelin stated that transfers between line items is at the discretion of the department head with the exception of salaries.

Supervisor Weiss moved to accept the Bills and Claims presented for the month.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors. Copies of his monthly reports were distributed for review and included in the September 2003 Board of Supervisors file.

Mr. Sours reviewed the updates to the website including the addition of the notice of the Land Use Application deadline of November 1. He apprised the Board that the Volunteer Opportunities has been downloaded 130 times in the last month and the Clarke County Residents Guide 135 times. The Zoning Ordinance continues to be the most downloaded document on the website. Also, downloads of the tax rates are on the rise. Hyperlinks to the Chamber of Commerce and Downtown Berryville, Inc. are available on the County website.

Additional updates provided by Mr. Sours included graphs showing the unemployment rate for the County at 2.8, which is the lowest in the Valley. Also, the Double Tollgate property is on the market and an offer has been made. The contract at the Business Park will close at the end of the month.

Miscellaneous Items

Emergency Preparedness – Hurricane Isabel

Jim Coumes, Clarke County Sheriff's Department; Ricky Pope, Virginia Department of Transportation; and Gary Pope, Clarke County Fire & Rescue Association appeared before the Board to discuss emergency preparations in the County for the predicted tropical storm.

David Ash, County Administrator, stated there was more uncertainty than certainty with the storm track and the severity. He advised those present that Governor Warner has declared a state of emergency in Virginia. Mr. Ash stated that citizens are advised to prepare for three to seven days without utilities. Further, the County's preparations include the following actions: vehicles are being prepared and fueled; the Red Cross has been alerted; the schools are equipped with emergency power. Mr. Ash informed the Board that he with the Clarke County Fire & Rescue, Red Cross, Social Services and law enforcement all recently participated in an emergency sheltering exercise. A notice from Allegheny Power was distributed indicating that they were aware and monitoring the storm. They are lining up contractors and positioning equipment and personnel. Mr. Ash informed the Board that he was given the home telephone number for the Call Center Emergency Coordinator. He informed the Board that Keith Dalton was preparing in the same manner at the Town level.

Jim Coumes, representing local law enforcement, stated that all resources were at the level needed and all officers are on call. He stated that they, too, were preparing their vehicles and fueling in attempts to ensure an adequate supply through the impending storm. When queried regarding increases in crime during nature disasters, he stated that they have not seen this problem in the past; but he would urge neighbors to look out for each other. He stated that elderly residents needed to be considered in these situations and he would urge the families of elderly citizens to make arrangements.

Ricky Pope, VDOT, advised citizens to stay off of water-covered roadways. He stated that VDOT had their equipment and vehicles ready. He informed the Board that they would be putting up signs where possible but advised these signs are frequently stolen. He stated that area residents had been given ample advance notice of the possibility of flooding. Mr. Pope stated that VDOT would not remove trees or branches if they were down on a power line; this will be left to the power company. He advised that roads and bridges could be washed out or damaged by the weather conditions and the repairs could take from a week to a month dependent upon the severity of the damage.

Gary Pope, Clarke County Fire & Rescue Association, indicated that they were arranging staffing for area fire stations to cover the storm, preparing vehicles and ensuring all were

fueled. He advised citizens to stay home during the storm and to consider what they were requiring before placing a call to fire and rescue. Mr. Ash stated that the first place to take evacuees is the local fire station, which is equipped with food, water and can provide shelter. If the level of evacuees demands, the designated emergency shelter is Johnson Williams Middle School, which would be opened and manned by the Red Cross and Social Services.

John Staelin, Board of Supervisors Chair, asked the press for their assistance in notifying the area citizens. He urged area residents to stock up on supplies of non-perishable food, water and to fill prescriptions and fuel vehicles. Also, some agencies have been advising that persons have cash on hand should there be extended power outages. Mr. Staelin reminded the individuals present of the importance of communication between the groups.

Declaring a State of Emergency

David Ash reviewed the statutes governing the procedure used to declare a state of emergency for the County. The law gives the authority to the Board of Supervisors Chair to declare a state of emergency. He informed the Board that declaring a state of emergency would make the County eligible for state and federal aid that might be offered to offset the cost of the storm to the County. The Board agreed that Chairman Staelin should declare a state of emergency in Clarke County if the conditions warranted. Further, if communication was disrupted and the Chair was unable to make the declaration, it was agreed that the County Administrator had the authority to make the declaration in his stead. An action of this type would be reviewed at the next meeting of the Board.

Convenience Stations

Supervisor Dunning brought before the Board his concerns regarding the need for access to a convenience/waste transfer station in the southeast corner of the County. The Board gave their approval for Mr. Dunning to approach Warren County to discuss the possibility of sharing a Convenience site located near that portion of Clarke County and potential cost. Chairman Staelin also expressed an interest in exploring the possibility of entering into a discussion with Loudoun County regarding the shared use of a convenience station on that side of the Clarke County.

Warren County Addresses

Supervisor Dunning informed the Board that he would be soliciting feedback from Clarke County residents with Warren County addresses. A card will be sent to those residents to determine whether there is any interest in changing to Clarke County addresses. The Post Office would ultimately be responsible for approving the change.

Town of Berryville Miscellaneous Items

Supervisor Dunning opined that the Town and the County have enjoyed a good working relationship. He stated that it was his desire to keep good approaches to the Town and expressed his concern regarding the doubling up of the houses on the Church Street and Route 340 approach. He also noted that the area is low and there is a wet weather stream.

Keith Dalton, Berryville Town Manager, expressed his appreciation of the Board's interest in the Town. He put forth that the 26 additional houses were being proposed exceeded the density permitted by both the Town and the County. Mr. Dalton stated that he did not believe it to be a good plan and he has spoken with the builders about some reconfiguration, which may include something more innovative.

Supervisor Dunning expressed his concern regarding the pipes by the Dollar General store. Mr. Dalton informed the Board the pipes belong to the American Legion and not the Town of Berryville. He stated they were put in place to the standards of and approved by the Corp of Engineers.

Chairman Staelin requested David Ash place the Town of Berryville on the Board of Supervisors' Agenda several times per year to provide regular updates and facilitate communication.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Coordinate public hearing on Secondary Six-Year Plan with VDOT.	David Ash
2.	Revise Primary Highway Plan.	Chuck Johnston
3.	Set up Finance Committee meeting for next week. Contact Ned Smithers to attend.	Tom Judge
4.	Review the Millwood Sewer problems with staff.	David Ash
5.	Compile a list of problems with Millwood Sewer Project.	David Ash / Alison Teetor
6.	Review costs of the Millwood Project; and if mistakes were made, determine whether they caused an increase in installation cost to the homeowner.	David Ash / Alison Teetor
7.	Place Town of Berryville on Board of Supervisors' Agenda several times per year.	David Ash
8.	Determine whether any additional disclosure information is required beyond the Conflict of Interest forms currently on file.	David Ash
9.	Approach Warren County to discuss the possibility of sharing a Convenience site located near that portion of Clarke County and potential cost.	A.R. Dunning, Jr.
10.	Explore entering into discussion with Loudoun County regarding the shared use of a convenience station on that side of the Clarke County.	John Staelin
11.	Solicit feedback from Clarke County residents with Warren County addresses to determine whether there is any interest in changing to Clarke County addresses.	A.R. Dunning, Jr.

Next Meeting:

The next regular meeting of the Board of Supervisors is set for October 21, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 11:26 a.m.

ATTEST: September 16, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS

October 21, 2003Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, October 21, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

David Nelms, Alison Teetor, Angie Jones, Kathy Shifflett, Luke Phillips, Gem Bingol, David Ash, Tom Judge, Charles Johnston, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:07 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add after Adoption of Agenda: Social Services Acknowledgement by Angie Jones

Add Closed Session: Discuss Disposition of Millwood Property – David Ash, County Administrator

Remove Old Dominion Alcohol Safety Action Program Update. This item will be rescheduled.

Add to Miscellaneous: Discussion on Biosolids – Supervisor Byrd
Discussion on Telecommuter Center – Supervisor Dunning

Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Social Services Employee Recognition

Angie Jones, Director of the Clarke County Department of Social Services, appeared before the Board to formally recognize the achievements of Kathy Shifflet, Social Worker in charge of Virginia Initiative for Employment Not Welfare [V.I.E.W.]. Mrs. Shifflet assists persons enrolled in this program find employment, transportation and day care. Mrs. Jones informed the Board that there are the 122 agencies in Virginia; and in August 2003, Clarke County was No. 1 in the State for this program with 100% employment for that time period. Mrs. Jones described the difficulties Mrs. Shifflet had to surmount to attain this level. Angie Jones declared that she

wished to formally recognize the efforts on Kathy Shifflet's behalf to reach this level of achievement.

Mrs. Shifflet expressed her gratitude to the entire staff at the Clarke County Department of Social Services. She stated that she had a wonderful supervisor in Mrs. Jones, who allowed her to think "out of the box". She explained that it was difficult for a small agency to reach 100% employment since one problem pull down all of the figures. She wished to recognize Clarke County Parks and Recreation, as well as the Maintenance Department their willingness to assist her.

Chairman Staelin provided Mrs. Shifflet with a copy of the letter of recognition describing her role in the agency, as well as her dedication. He extended the Board's appreciation and stated that it was good to know that there was someone looking out for the disadvantaged residents in the County.

Approval of Meeting Minutes:

Regular Meeting September 16, 2003

Vice Chairman Hobert moved to accept the meeting minutes for September 16, 2003 as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation

Interstate 81 Discussion

Chuck Johnston, Planning Administrator, appeared before the Board to provide an update on the proposals for the I81 Corridor. He informed the Board that VDOT has requested comments from governing bodies by November 4th on the two alternative proposals for improvements in the I-81 corridor. He provided the following information on the two proposals.

The Fluor proposal is:

- 6 lanes (eight lanes in 10 areas of steep grades),
- staying within the existing right-of-way to the extent possible,
- rebuilding most interchanges,
- placing a toll on cars and trucks, tolls would be charged by electronic sensors and cameras, trips of less than 10 miles would have no toll, and
- cost: <\$6 billion; completion by 2014.

The Star Solutions proposal is:

- 8 lanes (two sets of two lanes with the inner set of two lanes limited to trucks and the outer set of two lanes limited to cars,
- truck lanes would have their own ramps at major interchanges,
- to get off at lesser interchanges, the trucks would move into the car lanes by flyover ramps (eight sets of flyover ramps are proposed),
- rebuilding most interchanges,

- placing a toll on trucks only, tolls would be charged via sensors and cameras, and
- cost: <\$8 billion; completion by 2018.

VDOT has required both consultants to include rail improvements to divert long haul trucking off the interstate. Both consultants propose the same rail improvements based on recommendations from Norfolk Southern:

- in Clarke County: the existing one mile long siding from East Main in Berryville to ¼ mile north of Route 7 Bypass would be extended to Boom Road for a total length of two miles,
- in Warren County: the existing siding near the Bearing truck plant would be extended south to Riverton and become six miles long and the Riverton intersection with the line from Front Royal to Manassas would be modified to increase the radius of the turn allowing trains to travel up to 25 mph.,
- in Fauquier County: two siding improvements, and
- in Prince William County: build a dual track for 10 miles west of Manassas and build a new three mile long connection to the mainline at Manassas.

The financing would be federal rail safety funds and a toll on boxcars moving through this corridor. There is no specific time schedule for construction. Norfolk Southern estimates that this will increase capacity along these segments by 2 to 3 times.

Mr. Johnston said that since the rail improvements are the same for both options, the Board does not have to make a choice; but may wish to ask for additional improvements. Following discussion, by consensus, the Board requested the following:

- Staff to arrange a meeting with the Town of Berryville to solicit their opinion.
- Staff to draft the Board of Supervisors' opinion to include:
 - build at-grade crossings,
 - crossing improvements,
 - improve flow of traffic over tracks
 - drainage improvements [Berryville and Boyce]
 - noise reduction
 - Identify right of ways.
- John Staelin authorized to sign the letter.

Chairman Staelin attended the VDOT meeting on Primary Highways. He informed the Board that the intersection at Double Tollgate was one of three sites that VDOT proposed for addition to the list for funding. He explained that Frederick County and the Regional Commission were very interested in seeing this project initiated. Mr. Staelin conveyed VDOT's concerns regarding the impact of the clean up of Hurricane Isabel on its budget with current estimates as high as \$100MM.

Chairman Staelin reminded those present that other VDOT issues would be reviewed at the public hearing on the Secondary Six-Year Plan scheduled for Wednesday, October 22, 2003, at 7:30 p.m. in the Board of Supervisors Meeting Room.

Natural Resources Planner

USGS Quarterly Report, David Nelms

David Nelms, USGS, appeared before the Board to provide the quarterly report. He provided graphs that illustrated the shift from severe draught conditions during the October 2002 and record highs in October 2003. He reported that one well measured in the County is now seven feet higher than last year at this time. He expressed his appreciation to the County for making the measurements at Blandy available in real time. Mr. Nelms briefly described for the Board how he age-dates water samples, the chemicals they test for, and which of the chemicals provides the data they need such as nitrogen and argon measurements give the water temperature.

These measurements will give the County some of the data it needs to determine which areas it needs to protect. Early results show that the water levels in northwest portion of the County fluctuate, filling up and draining out quickly. This information can aid the County in making zoning regulations to control density and/or locations where houses are built.

Mr. Nelms stated that droughts are cyclic and the County can anticipate another drought in 10 to 11 years and every 30 years there will be a significant drought.

Mr. Nelms thanked Board for the aerial photographs. He displayed for the Board one of the pictures that shows a fold in the rock on the Shenandoah River. The photo also displayed faults in the bed of the river.

Another graph presented by Mr. Nelms was one that tracks the pattern as it relates to the activity of the sun and moon. This is being used to see what, if any, impact these heavenly bodies might have on the water supply.

Mr. Nelms provided a picture of the Clarke County information located on the USGS website.

Chairman Staelin stated that the County needed to study its ground water if it wants to protect the flow in the river and wells against pollution. Mr. Nelms stated that age dating the water allows them to better determine the water sources susceptibility to draught and pollution, i.e. new water is more susceptible.

Mr. Nelms, responding to Mr. Hobert's query, stated that arsenic could be detected in water. He stated that arsenic is naturally occurring and can be particularly high in orchard settings. He stated that he does not have a baseline established to know what level is natural. Sampling for arsenic can be performed for an additional charge.

Vice Chairman Hobert requested that Mr. Nelms provide a timeline for the Board covering the next nine months or longer. He further requested a written report detailing their significant findings, what they mean, where they are going and to what areas the findings apply.

Engineering Performance Discussion, Alison Teetor

In response to issues raised during the September 16, 2003 Board of Supervisors' Meeting, Alison Teetor, Natural Resources Planner, appeared before the Board to discuss the Millwood Sewer Project. Ms. Teetor opined that this was a long, frustrating project and she offered her apologies for any statements that she may have made that were misconstrued in a manner that would suggest that Chester Engineering had failed to provide adequate design or construction monitoring services. She stated that a few grinder pumps were moved due to the issues with location and rocks. Eight grinder pumps are being laid in rock, which is causing delays.

She reminded the Board that a topographic survey, which would have cost over \$100M, was not provided. As a result, they were digging as deep as they thought acceptable.

She informed the Board that pipe laid approximately 20 to 30 years ago was misidentified by a previous contractor and was actually a 4" pipe not a 6", which was shown on the drawings.

Ms. Teetor stated there had been no increase in cost to homeowners except where agreed. She elaborated that some homeowners had requested a change in the placement location of the pump and lateral line. The homeowners were notified of the increase in cost and had agreed to pay the additional amount.

Supervisor Dunning requested that change requests from homeowners for the relocation of the sewer line and/or grinder pump be done in writing.

Alison Teetor put forth that there was additional expense incurred when the line was moved from one side of the road to another due to lack of space; but this, too, was the fault of inaccuracies in old drawings.

To date, only one person has declined to hook up to the sewer. The grant requires that any person who declines hook up sign a waiver.

John Staelin requested that a Ms. Teetor provide for the Board a report on minimum instream flow and the review be placed on the December 2003 Agenda.

Vice Chairman Hobert requested that the record reflect that this discussion was sufficient to clear the specific required actions identified at the September 18, 2003 Board of Supervisor's Meeting, which were: 1) David Ash to review the Millwood Sewer problems with staff; 2) Alison Teetor compile a list of problems with Millwood Sewer Project; 3) Staff to review costs of the Millwood Project; and if mistakes were made, determine whether they caused an increase in installation cost to the homeowner.

Text Amendment – Set Public Hearing

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Section 3-C, Supplementary Regulations and Section 6-H Improvements and Minimum Standards for Site Plans so as to modify the standards for Monopoles for Telecommunication Antennae. TA-03-09

Chuck Johnston provided a brief overview of the text amendment to the Board. Mr. Johnston explained that the previous regulations did not work as well as desired and that the proposed amendment addressed two main areas of change, the height of the monopole and its setbacks.

The proposed changes would clarify how the maximum height is to be determined in relation to surrounding trees. The proposed maximum height is to be not more than 15 feet taller than the average height of the tree canopy within 100 feet of the perimeter of the area to be cleared for the monopole.

The proposed changes would also increase setbacks from roads and scenic resources. The setback from roads is proposed to be twice the height of the proposed monopole. The setback from scenic resources (the Appalachian National Scenic Trail, parcels under permanent open space easement, parcels in the Clarke County Historic Overlay District, the State Arboretum of Virginia portion of the University of Virginia's Blandy Farm, state designated Scenic Byways, the Shenandoah River [a state designated scenic river], and State Parks and Wildlife Management Areas) is proposed to be four times the height of the proposed monopole.

Chairman Staelin put forth concerns expressed by the Board regarding access. He stated that he would like to see in the regulations restrictions that would limit access to these sites. Mr. Johnston stated that he would add this language.

Supervisor Dunning moved to set the matter for public hearing on November 18, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Text Amendment – Set Public Hearing

The Clarke County Planning Commission recommends the amendment of:

1. *the County Zoning Ordinance Sections*
 - 3-A-13, *Neighborhood Commercial District (CN)*
 - 3-A-14, *Highway Commercial District (CH)*
 - 4-I-3, *Permitted Signs,*
 - 6-H *Site Plan Improvements and Minimum Standards, and*
2. *the County Subdivision Ordinance Sections*
 - 6, *Consumer Disclosure Statement,*
 - 7-C *Details of Plat Requirements for Record Plats,*
 - 10-D, *Boundary Line Adjustments so as to:*
 - a. *establish building setbacks from intermittent streams, and perennial streams & springs on parcels zoned Neighborhood and Highway Commercial,*
 - b. *delete the maximum impervious surface area requirement in the Neighborhood Com. District,*
 - c. *revise standards for free-standing signs,*
 - d. *require on commercial site plans the use of native plant materials and landscape materials that have low water and nutrient requirements (xeriscape),*
 - e. *delete reference to existing sub-standard private roads,*
 - f. *require maintenance of existing septic tanks on parcels proposed for subdivision,*
 - g. *require a statement on plats of residential lots encouraging limited use of fertilizers and pesticides so as to protect groundwater quality, and*
 - h. *change the standard for residential boundary line adjustments so as to conform with Zoning Ordinance standards. TA-03-12*

Following discussion, it was agreed that item g. be changed and the words “of residential lots” be removed.

Mr. Johnston indicated that the County uses the definition for intermittent stream as defined by USGS. While Supervisor Dunning expressed concern that the maps were not accurate, Mr. Johnston opined that it was the best standard currently available.

Supervisor Dunning moved to set the matter for public hearing on November 18, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Concurrence on Declaration of Emergency for Hurricane Isabel on Thursday, September 18, 2003 at 5:25 pm

- David L. Ash, County Administrator

Following a brief period of discussion, **Supervisor Dunning moved that the Board of Supervisors formally concur on the declaration of a state of emergency for Hurricane Isabel on Thursday, September 18, 2003 at 5:25 pm.**

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Update on Response Activities

David Ash, County Administrator and Emergency Services Coordinator for Clarke County, provided the Board with an update to the clean up and response activities subsequent to Hurricane Isabel. He opined that most residents in the County fared much better than originally anticipated.

Mr. Ash stated that VDOT had done a good job getting the roads cleared of downed trees and limbs. There were 17 roads closed due to fallen trees. He informed the Board that two VDOT workers were injured, one severely, while performing clean up efforts on Thursday evening. These workers were injured while trying to clear a fallen tree on Route 50.

Allegheny Power reported the day following the hurricane that 5,000 customers were without power. They also provided updates three times per day until the September 24, when all residents were restored to power. Chairman Staelin requested that Mr. Ash send a letter to Marsha Simons, Allegheny Power, acknowledging their efforts during this storm.

Mr. Ash stated that while Virginia Dominion Power only has 180 customers in the County he was unable to get any information from that company. At no point were they able to provide either an estimate of how many customers were without power or an approximate length of time it would take to restore power. Chairman Staelin asked Mr. Ash to follow up with Virginia Dominion Power and request that they appear before the Board to address their concerns.

Supervisor Dunning stated that extended power outages in Shenandoah Farms were from sources in Warren County.

At this time, there has been very little damage reported to the County, which may be due in part to a change in FEMA reporting requirements. Flyers and news stories have been informing residents to contact FEMA directly. Currently, 30 Clarke County residents have applied for assistance. FEMA will provide the County with a report. Mr. Ash stated that the deadline to report damages is close and any damage reports need to be made as soon as possible.

David Ash reported that they were able to get an Advanced Life Support EMT stationed at Shenandoah Farms during the storm. This person was there and did respond to the burn victim in that area, who was trapped due to the flooded conditions. Prior to this incident, this same EMT provided timely life-saving assistance to an employee of the Virginia Department of Transportation.

Discussion Of Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

Committee/Board	Appointee	Expiration Date
Clarke County Library Advisory Council <i>Ms. Lewis is appointed to complete the unexpired term of Charles Burwell.</i>	Kim Lewis	4/15/05
Planning Commission – Russell District <i>Mr. Ohrstrom is appointed to complete the unexpired term of Robert Smalley.</i>	George Ohrstrom	4/30/07
Planning Commission – Buckmarsh District <i>Ms. Batterton is appointed to complete the unexpired term of David Weiss.</i>	Barbara Batterton	4/30/04
Clarke County Industrial Development Authority <i>Mr. Garrett is appointed to complete the unexpired term of Jane Diven.</i>	Henry L. Garrett III	10/30/04

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Industrial Development Authority <i>Mr. Taylor is a new appointee filling the position previously held by Barry Hockenberry. This is a four-year term beginning 10/30/03.</i>	Harold Taylor	10/30/07
Shenandoah Area Agency on Aging, Inc. <i>Ms. Crawford is a new appointee filling the position previously held by Lawrence Wilson. This is a four-year term beginning 9/30/03.</i>	Francis Crawford	9/30/07
Northern Shenandoah Valley Regional Commission Disability Services Board <i>Mr. Smith is appointed to complete the unexpired term of Michael Hobert.</i>	Murray Smith	3/31/05

Supervisor Dunning moved to accept in whole all the appointments as presented.

The motion carried as follows:

- Chairman Staelin

Vice Chairman Hobert

Supervisor Byrd

Supervisor Dunning

Supervisor Weiss
- -

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-

-
- Aye

Aye

Aye

Aye

Aye

The Clarke County Library Advisory Council has requested the Board of Supervisors to consider the addition of two more positions on the Council. This matter will be sent to the Personnel Committee for recommendation.

Appointment of Voting Delegates for VACo Annual Meeting

David Ash informed the Board that needed to appoint voting delegates for the upcoming annual meeting of VACo. The Personnel Committee recommended the appointment of the Board of Supervisors Chair and Vice Chair as the voting delegate and alternate to the VACo meeting and the County Administrator be given authorization of proxy in the absence of both of the above

Supervisor Dunning moved to appoint John Staelin as the voting delegate and J. Michael Hobert as the alternate and authorized the County Administrator as the proxy in the absence of both the delegate and the alternate.

The motion was approved by the following vote:

- Chairman Staelin

Vice Chairman Hobert

Supervisor Byrd

Supervisor Dunning

Supervisor Weiss
- -

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- Aye

Aye

Aye

Aye

Aye

24/7 EMS coverage

There is an alternate proposal for coverage under discussion and no final decision has been made.

Appointment of Operation Medical Director for County EMS Agency

David Ash provided an overview proposed contract. This contract sets forth the appointment of Dr. Potter as the medical director for all of the agencies in the County. An operation medical director is required and is an unpaid position. Vice Chairman Hobert requested that

the Personnel Committee review the organizational structure of the EMS agency with the idea of creating something with a more formal structure with greater definition.

Supervisor Weiss moved to approve the contract appointing Dr. Potter as the Operational Medical Director for County EMS.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Acknowledge Distribution of Revised Freedom of Information Act Guides

David Ash apprised the Board of the recent revision to the Freedom of Information Act. The revised guides from Weldon Cooper have been distributed to all members of boards and commissions appointed by the Board of Supervisors. Vice Chairman Hobert requested that an update of the Appointments and Commission database be distributed to the Board.

Board of Supervisors Work Session

Continued Discussion from Board of Supervisors Meeting on Economic Model

Chairman Staelin explained to the Board that they are not responsible for the design of the school building; this is the responsibility of the School Board. Therefore, the Board of Supervisors must rely upon the School Board to be responsible in their work.

At this time, no specific budget has been set. Chairman Staelin stated that for every million spent on the school it would mean a tax increase of about 1%. The tax increase could be as much as 27% to 38%.

Mr. Staelin opined that the County should not spend so much on the buildings that they are unable to provide adequate salaries. Funding the current design provided by Moseley would result in 64% more school debt per capita than Loudoun County, which is currently No. 2 in the State in school debt per capita.

John Staelin stated that the Boards must come to an agreement on the numbers. He would like the next Joint Committee on School Construction to focus on these issues. Both Supervisors Dunning and Weiss expressed concern regarding the tax increase. Chairman Staelin remarked that if the School Board wishes to pursue any of scenarios presented they must be willing to formally support the tax increases necessary to fund the construction.

Finance

Supplemental Appropriations for Fiscal Year 2004

- a) School Fund Balance—The Committee is asked to recommend a supplemental appropriation of \$196,000 to the School Operating Fund in order to return to the schools the fund balance remaining from the previous fiscal year. (No Documents)
- b) Social Services—The Committee is asked to recommend a supplemental appropriation of \$42,000 to Social Services in order to recognize additional federal funds obtained by the state for use at the local level for the purpose of serving “at-risk” children.

Vice Chairman Hobert moved to approve the supplemental appropriations.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

c) Social Services

The Committee is asked to recommend a supplemental appropriation of \$30,000 of local funds to the CSA Fund in order to authorize the expenditure of fund balance to provide service to non-mandated children who may benefit from early intervention with services intended to avert the crisis level qualification requirements

The Finance Committee has held this request over for further consideration.

Historical Association re compromise proposal on Coiner House renovation costs.

The Finance Committee Recommendation: The committee did not accept the arguments put forth supporting a reduction in the invoice to the historical association regarding the Coiner House improvements.

Funding for Public Awareness Campaign Supporting Full State funding for Education

This proposed joint activity has been discontinued due to lack of funding.

Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates. He informed the Board that the County is moving forward with the gypsy moth program but they may be down to just hot spots this year.

Soil Contaminate Update

- David L. Ash, County Administrator

Mr. Ash informed the Board that calls had been made to the Department of Environmental Quality [DEQ] and he was awaiting their reply. DEQ was asked if they would conduct a study and initiate remediation. Currently, DEQ is assuring the County there is no immediate threat. However, extensive testing may be necessary over a period of time, similar to that conducted on the Nofs property, which took nine months.

Chairman Staelin requested David Ash to explore the following:

- What are the testing costs?
- How far apart should samples be taken?
- Determine whether water needs to be part of the testing.
- Determine whether the Berryville Area Development Authority, the Planning Commission and/or the Zoning should add regulations.
- Compile a statement of facts.
- Determine what are the risks.
- Understand who is responsible, DEQ or EPA.
- What testing protocols are recommended?
- What was the legal obligation of Triad, who performed the original tests?

Bills And Claims

- Barbara Byrd, Supervisor

Supervisor Byrd observed that insurance costs are high and continue to rise. Workers compensation is over budget. Also over budget at this time are professional services and travel.

Supervisor Byrd moved to accept the Bills and Claims as presented for the month.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors. Mr. Sours stated that there were now five lots available for sale in the Business Park. One lot owned by the County has been excluded from sale due to the lot size and possible future need of the County for its use.

The results of a recent survey of commuters were briefly reviewed.

Miscellaneous Items

Discussion of Establishing a Center for Telecommuters

Lucien Phillips, Clarke County resident, System Integration Engineer and telecommuter, appeared before the Board to initiate dialog regarding the establishment of a center for telecommuters in the Clarke County area. He opined that the vacant medical building on Buckmarsh Street could easily be used for such a center and indicated that he would voluntarily do a feasibility study. He put forth that many companies are amenable to these types of centers and are willing to support them. Also, there are loans available from state and federal agencies for the establishment of such facilities. Such a location could provide additional benefit to the community by affording residents additional time within the community, which could result in increased revenue for local businesses. Mr. Phillips stated that he was looking to the County for a supporting role in such a venture.

Chairman Staelin requested that Michael Hobert and John Sours review this idea with the Economic Development Advisory Committee.

Biosolids

Supervisor Byrd brought to the Board's attention concerns expressed by some of her constituents in the Wadesville area about the application of biosolids. She requested that the Board review the current regulations to see if a time limit for application can be enforced.

David Ash stated that Synagro has alleged that the County's regulations are in violation of State law. Chairman Staelin put forth that Bob Mitchell was looking at this issue.

Closed Session

Vice Chairman Hobert moved to convene into closed session pursuant to Section §2.2.3711-A6 and §2.2.3711-A3 of the Code of Virginia, as amended, to discuss the

investment of public funds where competition or bargaining is involved and real estate issues.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Weiss moved to reconvene in open session. The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Supervisor Weiss moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Provide a timeline for the Board covering the next nine months or longer.	David Nelms / Alison Teetor
2.	Provide a written report detailing significant findings, what they mean, where they are going and to what areas the findings apply.	David Nelms / Alison Teetor

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
3.	Change requests from homeowners for the relocation of the sewer line and/or grinder pump be done in writing.	Alison Teetor
4.	Provide for the Board a report on minimum instream flow.	Alison Teetor
5.	Place review of minimum instream flow report on the December 2003 Agenda.	David Ash
6.	Letter of acknowledgement to Marsha Simons, Allegheny Power.	David Ash
7.	Letter to Virginia Dominion Power requesting their appearance before the Board to discuss issues surrounding the power outages during Hurricane Isabel.	David Ash
8.	Forward VACo Voting Credentials.	David Ash
9.	Update Appointments & Commissions database and distribute.	David Ash
10.	Send out notices of appointment.	David Ash
11.	Publicize public hearings for November meeting.	David Ash
12.	Follow up on Soil Contamination.	David Ash
13.	Personnel Committee review the organizational structure of the EMS agency with the idea of creating something with a more formal structure with greater definition.	Personnel Committee
14.	Review with the Economic Development Advisory Committee the need for a telecommuting facility.	Economic Development Advisory Committee

Next Meeting:

The next regular meeting of the Board of Supervisors is set for November 18, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 2:45 p.m.

ATTEST: October 21, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS
October 22, 2003 Public Hearing 7:30 p.m.
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Wednesday, October 22, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, and Supervisor Weiss

Also Present

David Ash, Jeff Lineberry, Bob Childress, Ricky Pope, Jim Wink, Anne Caldwell, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 7:32 p.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Virginia Department Of Transportation

VDOT Monthly Update

Jeff Lineberry, Resident Engineer, appeared before the Board to provide the monthly VDOT update.

Route 50 Bridge Repair

The maintenance repair of the Route 50 bridge is complete.

Primary Highway Plan

Mr. Lineberry thanked Chairman Staelin for attending the Primary Highway Plan meeting held at the Broadway High School.

Traffic Study

VDOT is getting the process started for a traffic study. A truck traffic study is being conducted by Frederick County on Route 672 and Route 661. They are looking at alternatives and possible restrictions.

Hurricane Isabel Clean Up

The clean up of brush and trees continues following Hurricane Isabel. Clean up will continue through the fall and winter. Brush on Route 605 is a concern. Clarke County VDOT crews are assisting in both Warren and Page Counties that were harder hit than our local area.

Route 612

Supervisor Weiss opined that the old section of Route 612 was becoming a thoroughfare to Route 7. While the current speed limit is 55 mph, Mr. Weiss requested the speed on that route to be lowered to 45 mph.

Supervisor Weiss informed the Board that Tom Wolfe, a resident on Route 612, recently cut down a bank on his driveway and queried VDOT as to why this is the homeowner's responsibility. Mr. Lineberry stated that with so many similar situations existing here and throughout the State funds not available for such activities; therefore, it falls upon the homeowner to initiate and cover the expense.

Route 608 Parshall Road

Supervisor Weiss brought to the attention of VDOT the gravel on the roadway in the right-hand turn on Parshall Road and Route 7. He requested that section of highway be asphalted and/or cleaned up to improve safety.

Springsbury Road

Chairman Staelin requested a "Road Narrows" sign on the appropriate section of that roadway to warn oncoming motorists.

Route 7 Business Signal Light

Jeff Lineberry apprised Mr. Staelin that the signal light has been approved and will be installed after the first of the year. This project is still on schedule but there were other VDOT projects in the County to be completed before the installation of the light.

Route 621 and Route 651

Chairman Staelin requested VDOT finish the project started some months ago on these routes. He noted there was still a Caution Low Shoulder sign on the road.

Allen Road

Barbara Byrd relayed the constituent requests for Allen Road, which is unpaved. While the right-hand turns do slow traffic by the subdivision, it does create safety concerns for parents in that area. They are requesting Children At Play signs be posted. Jeff Lineberry stated that the homeowners could post signs on their own property; however, to post on County property, it requires action by the Board.

Triple J Road

Supervisor Byrd put forth the concerns expressed by residents on Triple J Road.

- Electronic enforcement or increased time during peak traffic hours at the intersection of Triple J Road and Route 7. Mr. Lineberry explained that it requires special legislation to allow a County to enforce the electronic monitoring and only a few Counties have been granted this option. The light could be synchronized to allow more time during rush hour. However, he did advise that this could cause delays on the side roads feeding into the intersection.
- Addition of more speed limit signs on Triple J Road. Mr. Lineberry stated that speed limit signs are typically placed at intersections and/or areas where traffic enters the roadway.

Pierce Road

Supervisor Byrd put forth the concerns expressed by residents on Pierce Road.

- Expansion of the small turn lane on Pierce Road. Currently, there is not a lot of room to change lanes.
- Place No Parking signs along this turn lane to improve visibility, which constituents opine is impaired by trucks parking on the roadside.
- Narrow section and limited visibility at the top of the hill at 1259 Pierce Road.

Route 640 Withers Larue Road

Supervisor Byrd put forth the concerns from residents on Withers Larue Road.

- Place signs on road to warn of dangerous curves in the area near the West Virginia line.
- Some residents along the road have complained about the length of time it takes to have snow removed from their road. VDOT explained how the drivers of the snowplows determine which roads to clear and in what sequence. Primary roadways are the first priority with no specific priority given to secondary roads. Further, VDOT does not plow any private lanes.
- Residents have requested painted lines on the road. Mr. Lineberry stated this could be done if the road meets VDOT's criteria being at least 18 ft. wide and carries a minimum of 500 vehicles per day.

Crums Church Road

Supervisor Byrd put forth that residents along this road voiced concerns for safety due to the numerous passing zones in front of driveways. Jeff Lineberry stated that VDOT could look at the passing zones and make a recommendation.

Additional Requests

- Lower Speed Limit from 55 to 45 on Cather Road.
- Lower Speed Limit from 55 to 45 on Crums Church Road.
- Lower Speed Limit from 55 to 45 on Fish Paw Road.
- Lower Speed Limit from 55 to 45 at Hermitage on Route 340 by VFW.
- Stop light at entrance of Food Lion and Hermitage.
- Lower Speed Limit from 55 to 45 on Kimble Road
- Lower Speed Limit from 55 to 45 on Lewisville Road.
- Lower Speed Limit from 55 to 45 on Longmarsh.
- Lower Speed Limit from 55 to 45 on Old Charlestown Road.
- Lower Speed Limit from 55 to 45 on Pierce Road.
- Lower Speed Limit from 55 to 45 on Pyletown Road to Salem Church Road
- Lower Speed Limit from 55 to 45 on Russell Road.
- Lower Speed Limit from 55 to 45 on Salem Church to Senseny Road
- Lower Speed Limit from 55 to 45 on Stringtown Road.
- Lower Speed Limit from 55 to 45 on Summit Point Road to coincide with West Virginia's posted speed limit for this road. It has also been requested that signs be placed for Summit Point on the roadway.
- Lower Speed Limit from 55 to 45 on Swimley Road.
- Lower Speed Limit from 55 to 45 on improved end of Triple J.
- Lower Speed Limit from 55 to 45 on Wadesville Road.
- Lower Speed Limit from 55 to 45 on Westwood Road.
- Lower Speed Limit from 55 to 45 on Withers Larue Road.
- Lower Speed Limit from 55 to 45 on Wrights Mill Road.

VDOT Secondary Six-Year Plan Public Hearing

Jeff Lineberry, Resident Engineer, appeared before the Board to open the public hearing. Mr. Lineberry introduced accompanying staff, Bob Childress, Assistant Resident Engineer, and Ricky Pope, Maintenance Superintendent Berryville Headquarters. Mr. Lineberry stated that any one wishing to speak was required to complete cards, which were furnished by VDOT. He explained that the purpose of the meeting was to review the Secondary Six-Year Plan for 2004-2005 through 2009-2010 and only the secondary system would be discussed at this hearing.

The Secondary Six-Year Plan is updated on an annual basis, which allows VDOT to remove completed projects. Funding sources for the secondary system are from State and Federal taxes, sales tax, etc.; and the money is allocated statewide using a calculation of 80% population and 20% area. Currently, there are 211 miles of secondary roads in Clarke County of which 33 miles is non-hard surface road.

The three categories in the plan with projected allocations for 2004-2005 are as follows:

- Incidental Construction: \$160,000
- Regular Construction: \$439,751
- Unpaved Construction: \$116,164
- Total Estimated Allocations: \$715,915

Mr. Lineberry explained that the preliminary engineering [PE] phase must be 100% funded before moving to the right-of-way [RW] phase. The right-of-way phase must also be 100% funded before moving to the construction [CON] phase. Construction cannot proceed until they receive 70% of the funding.

Jeff Lineberry reviewed the plan by line item. He gave a brief update on some items. A public hearing on Jack Enders Boulevard was recently conducted at the Berryville Town Council Chambers. There is a survey in process on the reconstruction and paving of Westwood Road. The reconstruction and surface treatment on Ebenezer Road, Route 604, north end, includes three drainage structures. The rights-of-way are also available. On the south end of Ebenezer Road, Route 604, there are also plans to reconstruct and surface treat the road. There is a possible addition of a railroad crossing on Josephine Street, which would come from federal highway safety funds.

At 8:11 p.m., Jeff Lineberry opened the public comment segment of the hearing.

Doug Marr: 1948 Morgans Mill Road, Bluemont, appeared before the Board to voice his concerns regarding Route 604 and Route 605. Some points put forth were the need for maintenance, roads washed out by the recent storms, loss of road base and loss of gravel, repairs to ditches and the need to widen the road. He provided pictures to the Board of the current road conditions. He expressed concern that should the project be delayed, as it has in the past, it will result in safety hazards. One of the pictures depicted two vehicles that were unable to pass on the road, thus requiring one vehicle to back up.

Mr. Marr asked the cost per year to maintain a gravel road like 605. Per VDOT, the cost is approximately \$5,000 per mile per year, which can be higher depending upon various conditions and circumstances.

Anne Caldwell: 400 Riverview Farm Lane, Bluemont, addressed the Board concerning Route 604 and 605. She expressed her opinion that the drainage areas appeared adequate. However, there was need to increase road width and improve ditches. She asked VDOT for detail as to the differentiations between regular improvements, pave-in-place and rural rustic roads.

VDOT provided the following explanations.

Regular Improved: The road is at least 18 feet wide with 3-4 feet of shoulder with an additional 3 feet to ditch with a 50-foot right of way. There is a road base and all weather surface treatment.

Pave-in-place: This strategy is typically for roads with 500 to 750 vehicles per day. This type road allows for some minor and spot improvements such as sight and drainage issues. The paving is done in the existing right of way but can be done with 45 feet of right of way. Bob Childress put forth that on 607 the terrain dictated the road. He stated there are underground waterlines, which was the reason so many trees were cleared.

Rural Rustic: The road would typically handle 50 to 500 vehicles per day. The existing roadway would be paved with no drainage or grading. This is the least costly alternative and may be the mostly likely given the budget constraints. To get a Rural Rustic designation, it requires placement on the Secondary Six-Year Plan and action by the Board of Supervisors. The Board must also state that the traffic on the road is not expected to grow significantly over the next ten years.

Ken Sherper: 941 Toy Hill Lane, Bluemont, addressed the Board concerning Route 604. Mr. Sherper expressed his pleasure at the Priority 1 designation assigned to Route 604 stating that the route has been long neglected. He strongly supports paving the road; and sited safety issues when meeting or passing vehicles, increased traffic, as well as culverts that washed out after recent flooding, and drainage improvements. He is opposed to the rural rustic designation for the road, since it is limited in grading and base. He informed the Board that during Hurricane Isabel when the Shenandoah River was flooded they were cut off from emergency vehicles.

James Payne: 4041 Ebenezer Road, Bluemont, addressed the Board concerning Route 604. Mr. Payne put forth that four years ago improvements on this road were to be accelerated according to VDOT and the Board of Supervisors. He further remonstrated that he has been actively pursuing road improvements for the past 16 years and that 15 people have

said they will donate the right of way for the road improvements. He opined that the inadequacy of the road added to the destruction of a home in the area causing difficulties in accessing the structure. Further, the pictures presented by Mr. Marr were a good representation of daily life noting. As for school bus traffic on the road, two buses meet on the road daily and there are no shoulders or low shoulders on this road. Mr. Payne harangued that he could see no benefit for his tax dollars.

Mr. Lineberry said that it was possible to do some sections as rural rustic. However, if sections required grading and/or drainage, they must go to the higher lever.

Jim Wink: 1162 Pine Grove Road, Bluemont, addressed the Board concerning Route 604. Mr. Wink stated that he had traveled the road and had to back up 70 yards when he met a truck. He stated for the audience and the Board that he had worked with Representative Joe May in the development of the rural rustic standard. He opined that the road needs to be re-cut and re-engineered. He wished to go on record stating that the roads should be paved immediately due to the danger it presents to school buses using this roadway.

Ken Erickson: 422 Duke Lane, Bluemont, addressed the Board concerning Route 604. Mr. Erickson stated that he concurred with the concerns expressed by previous speakers. He opined that they had been waiting longer than four years for the road improvements. After receiving assurances that road improvements would be moved to the top of the list, it was moved to the bottom of the list by the Board of Supervisors.

Chairman Staelin clarified that what the Board of Supervisors dropped was the northern most unpaved section of Route 604 and that the change in priority status on this most northern section of the road was as a result of comments at a public hearing. The section currently scheduled for paving had its priority raised when the other section was dropped.

Bob Childress, VDOT Assistant Resident Engineer, elucidated that the northern section had been on the plan. The design was in process and right of way had been secured; however, as a result of a public hearing, it was taken off of the plan. To queries from the public as to how the money for 604 was used, Mr. Childress stated that it was redistributed and he could not say definitively to which project[s].

Jeff Lineberry, VDOT Resident Engineer, stated that 604 had been added to the plan in 1997 and will be advertised for construction in late 2007. He explained that every county in the State has a number of unpaved roads and there was more need than available resources. VDOT does try to get donated right of way and this has been done on 604. He assured those present that the improvements were funded in this plan.

Tom Bergner: 221 Duke Lane, addressed the Board concerning Route 604. Mr. Bergner stated that Ricky Pope and VDOT had done a good job this year keeping the road cleared. He explained that Route 604 was the only road residents had to travel. He queried VDOT about the differences in the construction costs requesting what percentage of the increased cost was attributable to drainage. Mr. Lineberry stated that it was difficult to say without reviewing all the data. Also, it is difficult to establish a cost per mile per year for maintenance due to varying factors.

Phillip Fowler: 221 Peaceful Hollow Pond, addressed the Board concerning Route 604 and Route 605. Mr. Fowler thanked VDOT for the improvements to Route 607 opining that the road was just right and the tree removal was appreciated. He stated his belief that removal of trees along the road is good and they can grow back. He called attention to the dead trees along Route 604 that needed to be removed. He remonstrated that Route 605 is a disgrace to civilization. He expressed his opinion that the ditches needed to be filled, the brush cut down and that the hill is difficult to get up in winter. He opined that the road is so narrow that when he met a school bus and he had to go up onto the bank. He said that the road is "an accident waiting to happen" and he has heard rumors that parents will sue if their children are hurt.

Harold & Beth Grise: 36 Toy Hill Lane, addressed the Board concerning Route 604. Mr. Grise stated that he and his wife agreed with most of the things said by previous speakers regarding Route 604 and Route 605. He said that they had lived in the area for about a year. He stated his wife has been run off the road. He expressed concern for their children, who ride the bus, explaining that in bad weather his children must be taken to Route 606 because the buses will not go onto Route 604.

James Payne wished to comment regarding bus routes used in the event of inclement weather. He stated that while it may be fine in the valley it could be bad on the mountain. He argued that if it is unsafe to have a bus travel the road it is unsafe for the children to be driven down this same road to another location by their parents.

Philip Cohen: 165 Toy Hill Lane, addressed the Board concerning Route 604. Mr. Cohen stated that he was a new resident on Route 604. He explained that he works at the hospital in Loudoun County and when he purchased his home he assumed that the only road into his home would be passable. However, during Hurricane Isabel, the road washed out leaving him incapable of getting to work. He begged the Board of Supervisors to fix the road.

Chairman Staelin explained that funding for the Department of Transportation had been cut by one third. He put forth that Route 603 did not get the right of way and was dropped from the Six-Year Plan. Route 644 was also dropped from the Six-Year Plan. These changes raised Route 604 on the list. However, one of the challenges facing the County is that it only gets \$100,000 allocated from the State per year for paving roads. He assured those present that Route 604 was a top priority; and as funding was available, the County would continue to add paved roads.

Bob Childress stated that last year VDOT's budget was reduced 30% to 40% and they dropped three projects that they could not fund. They have had to spread the remaining money over the whole plan. He stated that VDOT could try to fix some of the problems on Route 604 and 605 under the normal maintenance program.

Ken Sherper stated that he now knew Chairman Staelin's position on Route 604 and asked if they could hear from the rest of the Board.

Vice Chairman Hobert expressed his support of the improvements to Route 604. He said that he had spent time on these roads and has had to back up as well. He further noted that when you make a decision to live on a mountain you make a decision to tolerate some inconvenience.

Mr. Hobert asked questions regarding Westwood Road and the change in cost. Mr. Childress responded that the designers had performed a closer review and felt this number was more nearly accurate. Jeff Lineberry clarified that as a project develops you get more detail, which can result in increases. Mr. Hobert was informed that the original numbers for Route 604, Ebenezer Road, were a first-look estimate.

Supervisor Byrd expressed her support of the improvements to Route 604. She also asked if Old Charlestown Pike could be added back onto the Secondary Six-Year Plan. She cited the 2,800 home subdivision planned in Frederick County that will adversely affect this road. Bob Childress explained that to go on the Plan it had to be funded. Following discussion, there was consensus that this road would be placed on the list of roads to be considered for inclusion on the Secondary Six-Year Plan next year; but the current plan would not be changed.

Supervisor Weiss stated that it was a matter of priorities. Route 604 has been assigned a Priority 1 rating and he did not intend to remove that rating.

Jeff Lineberry presented the following resolution for the Boards review.

RESOLUTION

Virginia Department of Transportation
Secondary Six-Year Plan and Construction Budget

WHEREAS, the Clarke County Board of Supervisors and the Virginia Department of Transportation held a joint public hearing on October 22, 2003 in reference to the Secondary Six-Year Plan and Construction Budget.

WHEREAS, the Public Hearing notice stated that the purpose of the Public Hearing is to present the proposed Secondary Six-Year Plan for the 2004-2005 through 2009-2010 fiscal years, which lists secondary road system improvements in Clarke County. The first year of the plan will be the Construction Budget for expenditure of improvement funds for the next fiscal year, 2004-2005.

NOW, THEREFORE LET IT BE RESOLVED, the Board of Supervisors approved the Secondary Six-Year Plan as presented by the Virginia Department of Transportation.

NOW, THEREFORE LET IT BE RESOLVED, the Board of Supervisors approved the Construction Budget for fiscal year 2004-2005.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Adopted: October 22, 2003

Copy Teste:

Chairman, Clarke County Board of Supervisors

Vice Chairman Hobert moved to adopt the resolution Virginia Department of Transportation Secondary Six-Year Plan and Construction Budget.

The motion was approved by the following vote:

- | | | |
|----------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Absent |
| Supervisor Weiss | - | Aye |

Jeff Lineberry closed the public comment portion of the hearing at 9:25 p.m.

Next Meeting:

The next regular meeting of the Board of Supervisors is set for November 18, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 9:27 p.m.

ATTEST: October 22, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS

November 18, 2003Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, November 18, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

Donald Breeden, Joe Hickey, Susie Bailey, DeeDe Cady, Jeff Lineberry, Bob Childress, Gem Bingol, Ed Breslauer, David Ash, Tom Judge, Charles Johnston, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:09 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

- Add: Under Item 10 – Set Public Hearing: 10 A Set Public Hearing on SUP-03-05
- Add to Miscellaneous: Soil Contamination Update - Parks & Recreation – David Ash
Discussion on FFA / 4H – Supervisor Weiss
Support Personnel for Zoning Department – Supervisor Dunning

Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Regular Meeting October 21, 2003

- Supervisor Byrd requested the following modifications:
- Page 808: the word “of” also be removed from item 2g. so that the minutes reflect “of residential lots” removed.
- Page 809: Add to the paragraph detailing EMT assistance the sentence “Prior to this incident, this same EMT provided timely life-saving assistance to an employee of the Virginia Department of Transportation.”

Public Hearing October 22, 2003

Supervisor Dunning moved to accept the meeting minutes for October 21, 2003 as modified and October 22, 2003 as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation

Jeff Lineberry and Bob Childress appeared before the Board of Supervisors to provide the monthly update.

Speed Limits

There was general discussion on how to proceed with the reduction of speed limits on secondary roads within the County. Following discussion, the Board put forth the following roads to be studied for speed reductions in the order of their priority.

1. Kimble Road from Route 7 to Crum’s Church Road [Supervisor Byrd]
2. Shepard’s Mill Road [Route 612] – North End [Supervisor Weiss]
3. Gun Barrel Road, Ginns Road and Salem Church Road from Route 340 to Senseny Road [Supervisor Dunning]
4. Frogtown Road [Chairman Staelin]
5. Summit Point Road [Supervisor Byrd]
6. Pyletown Road [Supervisor Dunning]
7. Mt. Carmel Road [Chairman Staelin]

Supervisor Weiss moved to approve the speed limit studies on the above roads and in the order listed.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Jeff Lineberry stated that VDOT can also look at the curves on the roads and post signs where deemed necessary.

Also, blanket countywide speed limits have also been discussed by Frederick County. This change would require legislative action. David Ash will follow up with John Riley on this matter.

Route 7 Speed Issues

Supervisor Byrd put forth concerns expressed by constituents regarding the excessive traffic and speeds on Route 7 that have caused safety concerns for residents along this roadway. She requested input from VDOT on how this problem could be resolved. Bob Childress stated that this four-lane section of Route 7 was designed for 55 mph speeds and the number of residences along this section has increased since it became a four-lane road. Supervisor Byrd opined that enforcement of speed limits is the key, to which those present did concur.

Jack Enders Boulevard

Bob Childress stated that they were working on the final plans for Jack Enders Boulevard. A public hearing is to be scheduled. They will need consensus on the final design, which will require a resolution from the Board of Supervisors. Chairman Staelin requested David Ash to place this matter on the Board of Supervisors Work Session agenda.

Route 604 and Route 605

Bob Childress advised Chairman Staelin that he and Jeff Lineberry were scheduled to make a site visit to Route 604 and Route 605 after the Board of Supervisors meeting today. They will be looking at the specific issues identified at the October 22, 2003 public hearing, such as shoulders, brush, drainage, etc.

Double Tollgate - Route 277 and Route 340

Bob Childress stated that he would be sending a letter regarding the Double Tollgate intersection detailing the new traffic pattern. While the light has not been changed, new turn lanes have been added. Exclusive left-turn lane and right-turn lanes and through lanes have been added.

Route 340 South of Annfield Road

Chairman Staelin requested that the passing zone on the northbound lane be shortened to allow vehicles more time to re-enter before the intersection.

Route 7 at Route 612

Chairman Staelin, Supervisor Weiss and Bob Childress will discuss this matter further and review at the next Board meeting.

Route 642 Chrismore Road

Supervisor Dunning requested that VDOT research the right-of-ways on Route 642 at Chrismore Road. There are tall pines in this area and the property owner is resistant to requests to trim back the trees. With the overgrowth, vision is obscured creating a safety hazard for motorists entering the roadway.

Gun Barrel Road

Supervisor Dunning informed VDOT about problems with the stop sign at the south end of Gun Barrel Road, which is located on an island. Bob Childress stated that this was the last stop sign of this type left in Clarke County; and he has discussed this sign with Ricky Pope, VDOT Maintenance Superintendent Berryville Headquarters. It was agreed that the island will be removed and the stop sign placed on the right, which is VDOT standard.

Route 340 and Hermitage Entrance

Supervisor Byrd wished to address the speed limit on Route 340 in front of the Hermitage and solicited the opinion of Keith Dalton, Berryville Town Manager. Mr. Dalton stated that it was the Town's position that the entrance to the Hermitage is in the corporate limits of the Town; and therefore, it should be at 25 mph. The Town has also discussed extending the 45 mph zone out as far as Trips Auto Sales and the VDOT road. Keith Dalton agreed to provide VDOT with a written directive on this matter, which VDOT must have before they can act.

Supervisor Byrd and Vice Chairman Hobert informed the Board that the residents in the Hermitage have a meeting scheduled to air their concerns regarding this issue. VDOT indicated that they would be unable to attend due to short notice and a scheduling conflict.

Bob Childress informed the Board that the developer has agreed to add traffic lights at the Route 340 and Route 7 entrances. The standard agreement is that the agreed upon lights must be installed within 5 years after the development of the last lot. VDOT does have the option of requiring the installation prior to this timeframe if it is deemed necessary. The developer has put up a bond to cover the expense.

Old Dominion Alcohol Safety Action Program Update

Donald E. Breeden, ASAP Board Member/ Criminal Justice Board Member-at-Large, presented to the Board the annual program review. He stated that this had been a good year with the number of participants down from 2002. He postulated that the reason for the reduction was as a direct result of better enforcement. Mr. Breeden has personally worked sobriety checkpoints with the Virginia State Police.

Mr. Breeden apprised the Board that the law had changed effective July 1 for persons 21 years of age and younger making them legally intoxicated with a blood alcohol content of .02. He also reviewed the donations made by the Board throughout the year stating that the ASAP Board recently donated an alcohol sensor to Clarke County High School. Zeb Brevard, safety officer at the school, has informed Mr. Breeden that he has used the instrument two times in the last month. Donald Breeden put forth that some parents are buying alcohol for students. Also, some area businesses are selling alcohol to them as well. Mr. Breeden urged the Board and the citizens to recognize the problem that does now exist in the County.

Chairman Staelin stated that it was good to see the numbers going down. He further stated that he found the information regarding student use of alcohol very disturbing. Mr. Staelin extended the Board's appreciation for all the work done by Mr. Breeden and the ASAP Board.

Public Hearing – Text Amendment TA-03-09

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Section 3-C, Supplementary Regulations and Section 6-H Improvements and Minimum Standards for Site Plans so as to modify the standards for Monopoles for Telecommunication Antennae. TA-03-09

Chuck Johnston provided a brief overview of the proposed text amendment to the Board. Chairman Staelin queried Mr. Johnston regarding utility easements on site plans stating that the Mt. Carmel Church site plan did not show utility easements. Mr. Johnston assured the Board that the requirement to list utility easements on a site plan is already included in the ordinance. He further stated that if this information was missing from that site plan it had been an oversight during the review process.

Mr. Johnston agreed to the Board's request to modify 6-H-12-a by adding to the items listed utilities, which will come after security fencing.

At 10:20 am, Chairman Staelin opened the public hearing for citizen comment. There being no persons present wishing to address the Board regarding this matter Mr. Staelin closed the public comment portion of the public hearing.

Supervisor Weiss wished to thank the Planning Commission for doing a good job on the revision of the ordinance, which addressed the shortfalls in the original.

Supervisor Weiss moved to approve Text Amendment TA-03-09 as modified.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye

Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Text Amendment –Public Hearing TA-03-12

The Clarke County Planning Commission recommends the amendment of:

2. *the County Zoning Ordinance Sections*
 - 3-A-13, *Neighborhood Commercial District (CN)*
 - 3-A-14, *Highway Commercial District (CH)*
 - 4-I-3, *Permitted Signs,*
 - 6-H *Site Plan Improvements and Minimum Standards, and*
2. *the County Subdivision Ordinance Sections*
 - 6, *Consumer Disclosure Statement,*
 - 7-C *Details of Plat Requirements for Record Plats,*
 - 10-D, *Boundary Line Adjustments so as to:*
 - i. *establish building setbacks from intermittent streams, and perennial streams & springs on parcels zoned Neighborhood and Highway Commercial,*
 - j. *delete the maximum impervious surface area requirement in the Neighborhood Com. District,*
 - k. *revise standards for free-standing signs,*
 - l. *require on commercial site plans the use of native plant materials and landscape materials that have low water and nutrient requirements (xeriscape),*
 - m. *delete reference to existing sub-standard private roads,*
 - n. *require maintenance of existing septic tanks on parcels proposed for subdivision,*
 - o. *require a statement on plats of residential lots encouraging limited use of fertilizers and pesticides so as to protect groundwater quality, and*
 - p. *change the standard for residential boundary line adjustments so as to conform with Zoning Ordinance standards. TA-03-12*

Chuck Johnston provided a brief overview of the proposed text amendment to the Board stating that this was a series of minor amendments many with an environmental emphasis. He apprised the Board that the definition of intermittent and perennial streams is already in the ordinance; however he is working with the USGS on a more scientific definition, which should come to the Planning Commission for review in December or January.

Mr. Johnston responded to queries about the size of road signs stating that they were tied to the speed of the road traffic with slower roads having smaller signs. Mr. Staelin and Mrs. Byrd put forth their desire to see more signs in place to advertise local business. Mr. Staelin emphasized that no one likes sign clutter but there is a legitimate need for signs to direct persons to commercial businesses in the area. Mr. Johnston provided a brief overview of VDOT requirements for signs and encouraged the Board to discuss the matter with VDOT.

At 10:31 am, Chairman Staelin opened the public hearing for citizen comment. There being no persons present wishing to address the Board regarding this matter Mr. Staelin closed the public comment portion of the public hearing.

Vice Chairman Hobert addressed his concern regarding landscape design expressing his discomfort with mandating how people should landscape their property. He requested that the word shall be changed to should. Supervisor Dunning articulated his preference for the word shall citing a general tendency by some to push the standards to the limits. There followed a succinct discussion where it was stated that these standards were for commercial businesses not residences. Also, there was general discussion regarding the types of low maintenance materials referenced in the ordinance that were designed for minimum water consumption. Mr. Johnston stated that there is in place a review process where the Planning Administrator can grant a variance. Mr. Hobert stated since the ordinance was for commercial property, not residential, he would support the proposed verbiage.

Supervisor Dunning moved to approve Text Amendment TA-03-12 as presented.

The motion carried as follows:

- Chairman Staelin

-

Aye
- Vice Chairman Hobert

-

Aye
- Supervisor Byrd

-

Aye
- Supervisor Dunning

-

Aye
- Supervisor Weiss

-

Aye

Special Use and Site Plan – Set Public Hearing SUP-03-05

Omnipoint Communications Cap Operations LLC, (Richard and Mary Dimmel, property owners) requests approval of a Special Use and Site Plan for an 86-1/2 foot monopole for telecommunications antennae located in the 6000 block of the north side of John Mosby Highway, Tax Map Parcel 29-((A))-18, Greenway Magisterial District, zoned Agricultural Open-Space Conservation (AOC). SUP-03-05

Chuck Johnston, Planning Administrator, provided an overview of the above request. He addressed concerns regarding the proximity to Blandy Farm by stating that this area, while by the farm, was outside the area classified as Blandy Arboretum, which has more stringent requirements. Mr. Staelin requested that Mr. Johnston ensure that the utilities were shown on the site plan.

Supervisor Weiss asked Mr. Johnston to discuss with Omnipoint modifications to the site at Route 7. Supervisor Dunning requested Mr. Johnston to ask about the range of coverage, where they overlap and who else could use these poles.

Supervisor Dunning moved to set the matter for public hearing on December 16, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

- Chairman Staelin

-

Aye
- Vice Chairman Hobert

-

Aye
- Supervisor Byrd

-

Aye
- Supervisor Dunning

-

Aye
- Supervisor Weiss

-

Aye

County-wide Explosives Ordinance

The Clarke County Board of Supervisors will consider the amendment of the Code of Clarke County so as to:

a)

prohibit the use of explosives within 100 feet of private wells, public waterworks, private sewage disposal systems, public sewerage system and treatment works, and perennial springs and

b)

to allow the use of explosives between 100 feet and 500 feet of private wells, public waterworks, private sewage disposal systems, and public sewerage system and treatment works, and perennial springs only after submission and approval by the Clarke County Board of Septic and Well Appeals of a Blasting Plan that addresses the potential impact of the proposed blasting activity on such facilities.

Chuck Johnston, Planning Administrator, provided an overview of the above amendment. Supervisor Dunning stated that the most sensitive sites requiring protection would be springs. Mr. Dunning stated, in his opinion, a spring is capable of emitting 40 to 50 gallons of water per minute. Supervisor Byrd postulated that by protecting these springs that feed the Shenandoah River, the County was protecting that critical resource as well.

There was discussion regarding the ordinance protecting Prospect Hill Spring. The Board of Septic Appeals will review blasting plans under this ordinance; however, the Board of Supervisors will review blasting plans for Prospect Hill Spring area. Chairman Staelin stated that Prospect Hill Spring is a significant water source, which elevates it to an higher level.

Mr. Staelin requested that Chuck Johnston add to his calendar a review of all blasting plans about a year from now. Also, Chairman Staelin stated that the ordinance could be interpreted as encouraging homes to be built in the open instead of the woods. The woods may have more rock and this could be seen as being in conflict with the design review criteria used by the Planning Commission. Supervisor Dunning emphasized the need to be flexible and to

work with the landowners as much as possible bearing in mind a desire to move homes to the wooded areas where possible. Supervisor Weiss expressed his opinion that this may make some of the ordinance more consistent and it does not preclude a landowner from building.

There was additional discussion regarding a fee for review of blasting plans. A \$350 fee was suggested. There is already a fee in place to cover professional costs. To implement this additional fee, the Board of Supervisors must pass a separate resolution. In response to Vice Chairman Hobert’s request as to what services were covered under the application fee, Mr. Johnston responded that it is to cover the cost of advertisement, board member participation, and staff labor. Supervisor Byrd requested that Mr. Johnston establish the number of man-hours required to review and process the blasting plans to ensure that the fee was adequate.

Supervisor Dunning expressed his support for the proposed application fee. He recommended that a consultant be contracted to perform this service and the fees charged should be established at an amount sufficient to cover the consultant costs.

Vice Chairman Hobert moved to set the matter for public hearing on December 16, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival

Chairman Staelin reminded the Board that when approving the special entertainment permit this past summer they had agreed to a discussion of any issue(s) that might arise in this timeframe so that Long Branch would know how to proceed. He informed the Board that he had received one letter of complaint and one telephone call from Anna Lee Horton regarding the Festival. Mr. Staelin queried the Board as to their opinion regarding a public meeting to solicit public opinion on this matter.

Supervisor Dunning agreed that a public meeting was in order for the Board must consider both the concerns of the applicant and the landowners. He suggested that they solicit comments from Long Branch along with any changes they feel need to be made. Mr. Dunning stated that Long Branch has already made efforts to improve the traffic and to stage people, such as Mr. Cady, in sensitive areas of the County. He expressed his opinion that both sides need to get together to work toward resolution. He opined that the balloons do make an odd noise, which can frighten horses and cattle. He speculated that the biggest complaint was Long Branch’s ability to control the balloons.

Chairman Staelin, at Supervisor Dunning’s request, invited comment from Joe Hickey, Long Branch Event Coordinator. Mr. Hickey stated that the balloons can be controlled to a degree but the wind will take them where it will. He informed the Board that the committee does not fly the balloons and they are very strict on the pilots that do attend the festival. He apprised the Board of a pilot that they had received complaints about that was not a part of the festival; and was, in fact, removed from the grounds of Long Branch on Sunday. Mr. Hickey responded to queries regarding height limitations stating that it is the Festival that sets limits, while the FAA does not impose height limits.

In the matter of insurance, Mr. Hickey advised the Board the all pilots sign an agreement, which does have an insurance requirement. While Long Branch does carry event insurance, the balloon pilots insurance would cover any damage they might incur and/or inflict.

In response to Supervisor Byrd's questions regarding meetings, Mr. Hickey informed the Board that Long Branch does conduct briefings with the pilots. They also conduct a landowner appreciation day.

By consensus of the Board, the matter was set for public meeting at 7:30 pm on Tuesday, December 16, 2003 in the Board of Supervisors Meeting Room. Chairman Staelin requested staff to contact any persons that have complained to the County about the 2003 Festival. He suggested that Long Branch provide statements or a presentation and then open the meeting for public comment.

Discussion of Legislative Priorities

The Board of Supervisors reviewed the list of legislative priorities drafted by Chairman Staelin. There was discussion regarding transfer tax and impact fees. John Staelin stated that the transfer tax, while high on the priority list for Clarke and Frederick County, it was not a priority for most others. By consensus, the list of priorities was accepted by the Board. Supervisor Weiss wished to acknowledge Mr. Staelin's effort in drafting the list that reflected the Board's position so well.

Mr. Staelin requested staff to schedule meetings with Senator Russ Potts and Delegate Joe May.

Acknowledgement of Receipt of Abstract of Votes – 2003 Elections

The Clarke County Electoral Board submitted for acknowledgment by the Board of Supervisors the Abstract of Votes for the 2003 Elections. Vice Chairman Hobert noted a discrepancy on the count of votes for the White Post Voting Precinct and requested staff to follow up with the County Registrar.

Discussion Of Committee Action

Personnel

Clarke County Library Advisory Council

The Clarke County Library Advisory Council requests the addition of two positions to the Council. In order to properly stagger the terms, one term should expire on 4/15/06 and one on 4/15/07. The Personnel Committee recommends acceptance of this request.

Clarke County Community Services Council

Clarke County Community Services Council has requested a member of the Board attend the monthly meetings on a rotating basis. This could be in the same order as review of the bills and claims should the Board choose to agree to the request. The Personnel Committee recommends that Board members agree to attend and to use the same monthly rotation used to review bills and claims.

Emergency Medical Services

The Personnel Committee discussed the Emergency Medical Services organization and approval of Operational Medical Director Agreement. The Personnel Committee recommends approval provided "AGENCY" is added to indicate Clarke County.

Appointment to Authorities, Boards and Commissions

Committee/Board	Appointee	Expiration Date
Clarke County Historic Preservation Commission <i>Mr. Baker is appointed to complete the unexpired term of Sarah Trumbower.</i>	H.M. Baker	5/31/05
Parks & Recreation Advisory Board <i>Mr. White is reappointed to represent the Buckmarsh District.</i>	Lawrence White	12/31/07

Supervisor Byrd moved to accept in whole all the recommendations of the Personnel Committee and appointments as presented.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Board of Supervisors Work Session

No Board of Supervisors Work Session was conducted for the month of November.

Finance

Supplemental Appropriations and Contingency Transfers for FY 2004

1. a) Potential Professional Services contingency transfers—Last year approximately \$45,000 was expended on services of Chester Engineers for County and Town of Boyce planning needs, and for the review of development applications. This latter expense is offset by revenue collections. In past years, these budgets have been covered by transfers from contingency as expenditures were made. This year an estimate of expenditures has been encumbered to simplify the appropriation and payment process. It is expected that these appropriation transfers should suffice for the remainder of the fiscal year.

From:	Legal and Professional Services Contingency	-\$42,000
To:	Planning Administration	+\$15,000
	Planning Commission	+\$12,000
	Board of Supervisors	+\$15,000

The Finance Committee recommends approval of the proposed transfers.

- b) Supplemental Appropriation to Sheriff's Department—Recognize contributions from the Federal Government Criminal Justice System and local appropriations to support TRIAD/SALT Program:

Federal Revenue	+\$4,378
Local Contribution	+\$1,459

The Finance Committee recommends approval of the proposed supplemental appropriations.

- c) Social Services—The Committee is asked to recommend a supplemental appropriation of \$30,000 of local funds to the CSA Fund in order to authorize the expenditure of fund balance to provide service to non-mandated children who may

benefit from early intervention with services intended to avert the crisis level qualification requirements. (Held over from last month)

The Finance Committee recommends that the Board not approve this request for supplemental as the source of funds (fund balance) is inconsistent with the proposed purpose (ongoing expenditure).

2. Historical Association requests consent to sub-lease a portion of the Coiner House. The lease agreement requires Board consent to do so. The Finance Committee recommends approval of the request to sub-let a portion of the Coiner house subject to inclusion in the sub-lease language requiring compliance with zoning regulations and the building code, and requiring that the proposed tenant acknowledge responsibility for insuring own property and indemnify and hold the County harmless from any and all liability, cost, and expense, including attorney, which the County may or shall be required to pay or undertake as a result of the use, occupancy and operation of the property by the proposed sub-lessee. Sub-lessee is to procure and maintain a general liability insurance policy in the amount of not less than \$1,000,000 listing the County as an additional insured under said policy.
3. Authorization to approve easement and enter service agreement for electrical service to soccer field at park. The Finance Committee recommends approval subject to concurrence of Parks and Recreation Advisory Board.

Vice Chairman Hobert moved to approve the supplemental appropriations as detail in item 1 and the recommendations of the Board for items 2 and 3 above.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

4. Update on proposals to purchase of Millwood property—Committee members will be provided an update on the status of proposals to purchase the Millwood property, which is expected by the December meeting.

Bills And Claims

- John R. Staelin, Chair

Chairman Staelin reviewed the bills and claims for County government expenditures. Mr. Staelin clarified that Barbara Byrd had reviewed bills and claims at the October meeting; and due to a clerical error, she was again listed on the agenda for the November review instead of he.

John Staelin advised that telecommunications and professional services require close monitoring to ensure they stay within budget. Vice Chairman Hobert requested David Ash to review all invoices for professional services.

For the month of October, Joint Administrative Services did not provide the bills and claims for Clarke County school expenditures to the Board of Supervisors for their review. Tom Judge, Director Joint Administrative Services, informed the Board that Eleanor Smalley, School Superintendent, had instructed him to distribute this information to the School Board only. The stated reason was that former Supervisor Jack Lillis had originally requested review of this data by the Board of Supervisors and the schools now wished to restore the practice of providing the financial data to the School Board only.

Mr. Staelin put forth that this was a public document and he expected the information to be in the Board of Supervisors packet for the next regularly scheduled meeting. Vice Chairman Hobert asked Mr. Judge whether he required a written Freedom of Information Act [FOIA] request from the Board. Mr. Judge replied that he had no preference and would discuss the matter with Dr. Smalley. Chairman Staelin stated that the Board of Supervisors was not in the habit of employing this act when dealing with other County departments.

Supervisor Weiss expressed his opinion that this behavior by the Superintendent would not be in the nature of conciliatory action or in the spirit of working together. Supervisor Dunning opined that this was an act of arrogance on the part of the Superintendent.

Chairman Staelin stated that while he could appreciate the delay if it were to ensure accuracy he did expect the information to be provided to the Board of Supervisors for review.

Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates.

Gypsy Moth Program

A public meeting was conducted with two citizens attending. Mr. Ash related that it was unlikely that Clarke County would be included in the statewide bid since the area requiring treatment is down to approximately 500 acres at this time. The County may wish to conduct a small suppression program on its own. Before setting the area for treatment, Mr. Ash advised that it would be prudent to wait until early spring when egg masses are identifiable.

Shenandoah River MIF

There was no meeting of the Shenandoah River MIF Committee this month and they are still waiting for a final written report.

Joint Committee on School Construction

There have been no meetings since October. Mr. Ash relayed that the County has received a proposal from Moseley Architects for government space. However, the cost is dependent upon what other departments decide. The Town of Berryville has requested a review of the proposal prior to disclosing the information.

Supervisor Weiss opined that the progress of the Joint Committee on School Construction has become stagnant. He stated that the Committee must get the information together and move forward. Mr. Weiss commented further that the School Board should determine absolute needs not wish list needs.

Mr. Staelin said there was still no number for administrative space for the schools. Mr. Ash reported that the School Board does have numbers; but have not set the final number for they do not wish to be tied to a number at this point.

Communications Tower

David Ash informed the Board that the County has been successfully operating off of the new tower since Thursday, November 13. He related that Pam Hess is following up with Frederick County, who had also been experiencing some problems with their communications equipment as well.

Emergency Operations Plan

Mr. Ash provided an overview of the changes to the Emergency Operations Plan explaining that this document is mandated by the State. The County is required to review this document every four years. The revision was completed in September just in time for Hurricane Isabel. He requested that the Board adopt the following resolution stating that need for the Emergency Operations Plan.

The Board of Supervisors of Clarke County, in a regular meeting on the 18th day of November 2003, adopted the following:

RESOLUTION

WHEREAS, the Clarke County Board of Supervisors is greatly concerned with the health, safety, and well-being of its citizens and desires that the best possible emergency services be available to them; and

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 requires that each city and county develop and maintain an Emergency Operations Plan that addresses it planned response to emergency situation; and

WHEREAS, such a plan has been developed by County staff in coordination with the Virginia Department of Emergency Services with input from responsible local agencies;

NOW, THEREFORE, BE IT RESOLVED: that the Board of Supervisors of the County of Clarke, Virginia, hereby adopts the updated County of Clarke Emergency Operations Plan as the necessary basic plan for County emergency services for both peacetime and war caused disasters;

BE IT FURTHER RESOLVED, that the Emergency Resources Directory be periodically updated without action by the Board of Supervisors since the Resources Directory is a vital portion of the EOP.

A Copy Teste:

John Staelin, Chairman
Clarke County Board of Supervisors

David L. Ash
County Administrator

Supervisor Weiss moved to adopt the Resolution updating the County of Clarke Emergency Operations Plan.

The motion carried as follows:

- | | | |
|----------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Absent |
| Supervisor Weiss | - | Aye |

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors to provide the monthly report. Mr. Sours stated there was another property under contract at the Business Park, which is expected to close by the first of the year. Mr. Sours reported that Clarke County has the lowest unemployment rate in the area. He thanked Supervisor Weiss for the time he had taken to spend with him.

Mr. Sours and Chairman Staelin wished to acknowledge and thank Val Van Meter, Winchester Star, and Jerry Herrmann, Clarke Times-Courier, for their support and coverage of area businesses in the respective newspapers.

Miscellaneous Items

FFA – 4H

Supervisor Weiss wished to publicly acknowledge the achievements of the Clarke County FFA and 4H. He stated he was impressed that so small a county could achieve national acclaim. He commented on the children's enthusiasm and exuberance, which made it an evening of positive energy. He and Supervisor Byrd both attended the event. The dairy judging team, that placed third nationally, has been invited to Scotland.

Chairman Staelin observed that the support of the to FFA and 4H officers, as well as the parents, must also be commended. He noted that some may say that agriculture is dying; while, yes, it will change, it will not die as evidenced by the training and involvement of this younger generation. He requested Mr. Ash to provide letters from the Board to the children, the FFA Coach, the School Board, and the Extension Office conveying their congratulations and their believe in the importance of agriculture to the County.

Soil Contamination Update – Parks & Recreation

David Ash informed the Board that he had spoken with the Department of Environmental Quality and they will be here in early December to look at the Parks to do a brown field assessment. Mr. Ash stated that the County should establish a base line. Mr. Staelin requested David Ash to get from DEQ the following:

- 1) Guidance and help;
- 2) Ideas on how to establish a baseline;
- 3) Design a countywide sampling plan; and
- 4) What, if anything, the County needs to do at the Park.

Chairman Staelin informed Staff that he would appoint a Supervisor to work with David Ash on this issue.

Support Personnel for Zoning Department – Blasting Plan Review

Supervisor Dunning requested review of this item but had to excuse himself to attend to a pressing matter. Mr. Dunning briefly discussed this item during the review of the proposed Countywide Blasting Ordinance. Supervisor Weiss requested that the matter should be reviewed as a staffing issue at a Board of Supervisors Work Session. Mr. Staelin requested David Ash to add the item to the next Board of Supervisors Work Session Agenda.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Follow up with John Riley on countywide speed limits.	David Ash
2.	Discuss with Omnipoint modifications to the site at Route 7.	Chuck Johnston
3.	From Omnipoint, ask for range of coverage, where they overlap and who else could use these poles.	Chuck Johnston
4.	Provide status of community signage.	Chuck Johnston
5.	Add to the calendar review of all blasting plans in about one year.	Chuck Johnston
6.	Advertise for public hearings and public meeting.	David Ash
7.	Notify any persons that have complained to the County about the 2003 Festival that a public meeting has been scheduled.	David Ash
8.	Contact Registrar regarding discrepancy in figures on abstract of votes for the White Post Voting Precinct.	David Ash
9.	Schedule meetings with Senator Russ Potts and Delegate Joe May.	David Ash
10.	Send letters of appointment.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
11.	Provide letter to Clarke County Library Advisory Council notifying of Board action to approve request for two additional members.	David Ash
12.	Review all invoices for professional services.	David Ash
13.	Provide Bills and Claims for the schools to the Board of Supervisors for the month of October 2003.	Tom Judge
14.	Provide letters from the Board to the children, the FFA Coach, the School Board, and the Extension Office conveying the Board's congratulations and their believe in the importance of agriculture to the County.	David Ash
15.	Follow up with DEQ.	David Ash
16.	Add to the Board of Supervisors Work Session and/or regular meeting agenda as time allows review of Jack Ender's Boulevard with VDOT, Staffing Issues, and School Construction.	David Ash

Next Meeting:

The next regular meeting of the Board of Supervisors is set for December 16, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

A public meeting to discuss the 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival is scheduled for December 16, 2003 at 7:30 p.m. in the Board of Supervisors Meeting Room.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 12:43 p.m.

ATTEST: November 18, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS

December 16, 2003Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, December 16, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

Keith Dalton, Jeff Lineberry, Bob Childress, Ricky Pope, Gem Bingol, George Ohrstrom, Vidi Lloyd, Richie Wilkins, Mark Bergoff, Ed Breslauer, Eleanor Smalley, John McCuan, David Ash, Tom Judge, Charles Johnston, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:09 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add: Closed Session for Personnel and Disposition of Real Estate – David Ash

Add to Miscellaneous:
Resolution – Joint Committee on School Construction – John R. Staelin
Planning and Zoning Fee Structure Review – A.R. Dunning, Jr.
Proposal to Pursue Request For Qualifications – A.R. Dunning, Jr.

Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Approval of Meeting Minutes:

Regular Meeting November 18, 2003

Supervisor Byrd requested the following modifications:
Page 828: Third paragraph from bottom last word - change from "lever" to "level".

Supervisor Byrd moved to approve the minutes as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye

Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Citizen Comment Period

No citizens appeared to address the Board.

Consent Agenda

Commonwealth of Virginia Department of Health Annual Agreement

David Ash, County Administrator, presented the annual agreement with the Health Department.

Supervisor Dunning moved to approve the agreement as presented. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Virginia Department Of Transportation

Jeff Lineberry and Bob Childress appeared before the Board of Supervisors to provide the monthly update. Ricky Pope, Matt Dana and Sabrina Tarbell also accompanied Mr. Lineberry.

Jack Ender's Boulevard

Jeff Lineberry provided the following resolution for review and approval by the Board.

RESOLUTION

WHEREAS, the Clarke County Board of Supervisors added Project No. 0700-021-115,M501, the improvement of Jack Enders Boulevard from Route 7 Business to 0.15 mile south of Route 7 Business, to the County's Secondary System Six Year Construction Program with the 2002 update; and

WHEREAS, The Virginia Department of Transportation conducted a Public Hearing on September 10, 2003 from 4:00 to 7:00 p.m. at the Berryville Town Council Chambers for the purpose of obtaining feedback on this project; and

WHEREAS, it appears a majority of the citizens who provided feedback are in favor of this project; and

WHEREAS, it appears that the Virginia Department of Transportation has made every attempt possible to address issues that were raised during the Public Hearing process without adversely impacting adjacent property owners and/or adding additional significant costs to the project; and

WHEREAS, it appears several citizens, as well as the Town of Berryville suggested the southern project limits be extended to include curb and gutter and sidewalk on the east side of Jack Enders Boulevard to the intersection of Blue Ridge Street, for purpose being to improve drainage and enhance pedestrian safety in this residential neighborhood; and

NOW, THEREFORE LET IT BE RESOLVED, that the Board of Supervisors of Clarke County fully supports and approves the project # 0700-021-115,M501 design as presented at the aforesaid Public Hearing; and.

BE IT FURTHER RESOLVED, that the Board of Supervisors supports and approves the aforesaid extension of curb and gutter and sidewalk on the east side of Jack Enders Boulevard to the intersection of Blue Ridge Street; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Adopted this 16th day of December 2003.

Copy Teste:

John R. Staelin, Chairman
Clarke County Board of Supervisors

Mr. Lineberry distributed a copy of his enumerated responses to questions originating from the Board of Supervisors Work Session conducted on Monday, December 8, 2003. He introduced Matt Dana and Sabrina Tarbell, VDOT Design Engineers, who provided a sketch of the proposed changes to Jack Enders Boulevard. Members of the Board queried the possibility a moving the intersection to the west.

- 1) Mr. Lineberry stated that VDOT had looked at shifting the road to the west and determined that it was not feasible. It would also require the purchase of right of way on the Whirley property. The shift would provide only limited improvement and could create an 8-12 month delay. A shift in the centerline would require additional extension of the box culvert across the Town Run and would require reopening the environmental review and approval process. The change would also require another public hearing on the project.

Ms. Tarbell, stated that the road follows the curve and geometrically follows the centerline; also, they must have a certain radius of curve to meet design criteria. In the proposed plans, there is a 40' radius; however per Bob Childress, they would like a 70' radius but such a change would require purchase of additional land.

- 2) Jeff Lineberry stated that the entrance to Mr. Tomblin's property had been widened from 30' to 40', which is the maximum allowable for a commercial entrance.
- 3) Bob Childress stated that the island located between the businesses on Route 7 at the eastern edge of the Tomblin property is part of a legislative requirement, which can be removed upon mutual agreement by the property owners.
- 4) Mr. Lineberry stated that the addition of curb and gutter is to delineate the roadway. He further stated that the bridge and structure on the Tomblin property were located on a permanent VDOT drainage easement. Mr. Childress said that a structure had been built in the easement but there is no record that VDOT had agreed to modify the easement.

Installation of a traffic signal is depends upon the whether the intersection meets the criteria for signalization.

- 5) Jeff Lineberry stated that the turn lane for southbound traffic is typical for an industrial section. The turn lane will be located on VDOT right of way and will allow for several tractors to line up at a time.
- 6) Per Mr. Lineberry, pavement markings and signage will be used to address potential traffic issues on the southbound lane.
- 8) The traffic signal by Berryville Graphics will improve traffic flow and can be adjusted during peak hours according to Mr. Lineberry. The addition of right and left turn lanes will reduce the delays in and out of Berryville Graphics.

- 9) The 1979 project has served the County well but it has out lasted its life stated Mr. Lineberry siting the addition of an industrial park and the increased truck traffic that had not been anticipated in the ten-year traffic growth study performed in the 1970's.
- 10) Jeff Lineberry opined that trucks swinging wide into the westbound lane are still a possibility; however the project has widened the turning radius.

Keith Dalton, Berryville Town Manager, put forth that while the new design was not perfect the Town appreciated that VDOT had attempted to work with in the existing right of way.

Supervisor Dunning put forth that the area in question was in the jurisdictions of Supervisor Weiss and Vice Chairman Hobert and he would support any decision they made regarding the design. He proposed that Supervisor Weiss and Vice Chairman Hobert meet with VDOT to discuss further.

Vice Chairman Hobert thanked VDOT for their responses. He requested that the matter be tabled until the next regular meeting of the Board of Supervisors on Tuesday, January 20, 2004.

Brush Removal

Supervisor Byrd's query VDOT in regarding brush removal stating that some residents were clearing their own brush along the road way. Mr. Lineberry informed the Board that some brush removal had been done in the fall but was limited due to budgetary concerns.

VDOT Budget and Manpower Concerns

Mr. Lineberry informed the Board that there was an \$80MM State-wide budget for snow removal; and this season, several storms have already been encountered. He stated that VDOT would be more frugal this year in its snow removal efforts concentrating on primary and secondary roadways. He warned that a decrease in standards might be seen.

Jeff Lineberry stated that the VDOT Berryville Maintenance Facility staff is short four persons and there is a freeze on hiring. He advised that two more people would soon be retiring. Further, the two individuals injured during Hurricane Isabel are still unable to return to work.

Through-Truck Traffic on Old Charlestown Road

Supervisor Byrd requested written information be sent to her. She indicated that she still had not been contacted by Frederick County regarding this matter. Mr. Lineberry elucidated that through trucks are allowed if the owner resides on the road; and it is the responsibility of Frederick County to designate an alternate truck route.

Hermitage Public Meeting

Vice Chairman Hobert expressed his appreciation to VDOT for their comments and the concerns expressed by the residents of the Hermitage. He requested VDOT's participation in working with them on a resolution to the problem.

Traffic Signal Town of Boyce

Supervisor Dunning requested that VDOT place a traffic signal at the intersection in Boyce. He informed the Board that the study done in the 80's found that the intersection was short approximately 50 to 100 cars per day to meet the criteria. Mr. Dunning opined that the traffic through the area has increased dramatically particularly with two schools using this intersection. He expressed concern for safety siting accidents at the intersection.

Mr. Lineberry stated that he had attended the last meeting of the Town of Boyce and wanted to be proactive. He stated that a turn lane would be needed with the signal.

Chairman Staelin reminded the Board that the Town of Boyce was opposed to a traffic signal the last time the matter was proposed.

Traffic Signals Hermitage Boulevard and Battlefield Estates [Mosby Boulevard]

Supervisor Dunning stated that he supported the installation of signals at both Hermitage and Mosby Boulevards. Mr. Childress stated that the Battlefield Estates intersection was currently being studied.

Gun Barrel Lane

Supervisor Dunning brought forth visibility issues caused by an outgrowth of pine trees on a VDOT right of way. Bob Childress stated that the property owners have been contacted and the foliage in question is on their property. They have stated that they do not wish to trim back the over growth. Mr. Lineberry stated that would need a sight easement for the intersection to be able to act. Pete Dunning wished to state for the record that this over growth creates a dangerous situation and impairs sight on this section of roadway.

Clarke County Animal Shelter Status Update

George Ohrstrom, II appeared before the Board to provide an update on the proposed Clarke County Animal Shelter. He provided background information regarding the need for a new shelter stating that the current facility is not in compliance and the County could be fined up to \$1,000 per day. However, the Clarke County Humane Foundation [CCHA], recognizing the need, have raised money to meet the State mandate for the shelter by funding the construction of a new shelter. Mr. Ohrstrom informed the Board that Phase I of the project was complete, which includes gifting of the land, design and \$164,000 of site work.

Phase II of the project is short of funds due mainly to sanitation and drainage mandates, which have added an additional \$300,000 over the first estimates. The original cost of the shelter was \$615,500 with 10% added for contingencies. Currently, the cost is \$315,000 more for a total of \$929,917. At this time, CCHA has raised \$528,924, which does not include the cost of the land, which is an estimated at \$160,000.

Mr. Ohrstrom told the Board that the CCHA has raised 85% of the original goal but has only raised 60% of the expanded goal. At this time, there is a shortfall of \$400,000; and the Foundation will commit to raising \$200,000 of the remaining amount and is requesting the County to fund \$200,000.

Supervisor Byrd stated that the fees charged by the Animal Shelter for such things as impoundment and adoptions covers only the cost of sheltering the animals and does not provide funds to pay any debt.

Supervisor Dunning stated that he was aware that the present facility was in violation and that it would cost the County far more than \$200,000 to fix the facility. He commended the CCHA for there fundraising efforts. He explained that the Shelter would be built by CCHA but leased back to the County for a token fee. Mr. Dunning strongly recommended that the construction not be left through another winter.

Chairman Staelin stated that the matter needed to be put before the Finance Committee for review and also commended CCHA for their efforts. Tom Judge advised that the appropriation would require a Public Hearing.

Supervisor Dunning moved that FY 2004 budget be amended to increase expenditure by \$200,000, for the purpose of granting to the Clarke County Humane Foundation funds for the construction of an animal shelter pursuant to Virginia Code 3.1-796.96, and subject to terms of a contractual agreement for the use of these funds and the matter be set for public hearing on January 20, 2004 at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Abstain
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Supervisor Byrd, as a member of the Clarke County Humane Foundation, abstained from the vote on this matter.

Public Hearing – Special Use / Site Plan – Omnipoint Communications SUP-03-05

Omnipoint Communications Cap Operations LLC, (Richard and Mary Dimmel, property owners) requests approval of a Special Use and Site Plan for an 86-1/2 foot monopole for telecommunications antennae located in the 6000 block of the north side of John Mosby Highway, Tax Map Parcel 29-((A))-18, Greenway Magisterial District, zoned Agricultural Open-Space Conservation (AOC). SUP-03-05

Chuck Johnston, Planning Administrator, provided an overview of the Special Use / Site Plan SUP-03-05. He informed the Board that it had been unanimously approved by the Planning Commission. He advised that the utilities were underground and no trees would be removed.

At 10:35 am, Chairman Staelin opened the public hearing for citizen comment.

Mark Bergoff, representative for the applicant, appeared before the Board. He explained that the 86-1/2 foot monopole was a collaborative effort on behalf of the applicant and the County. He stated that they had been limited in the area due to the historic district and the Arboretum. Mr. Bergoff thanked County staff for working with them on this matter.

There being no additional persons wishing to address the Board concerning this matter Mr. Staelin closed the public comment portion of the public hearing at 10:38 am.

Supervisor Dunning stated that Omnipoint had fulfilled all of the requirements and they had worked closing with County staff. He apprised the Board that recent property sales would suggest that a tower does not adversely affect property value.

Supervisor Byrd put forth concerns regarding the monopole at the Stuart M. Perry quarry; she did not like the color or the array of antennae. Mr. Bergoff stated that this pole would not be like the one at the quarry explaining they were using the color recommendation of the Planning Commission and it was flush mounted.

Supervisor Weiss asked if the Stuart Perry monopole could be retrofitted. Mark Bergoff stated that each pole was determined on a case-by-case basis and designed depending on need. The quarry pole is a platform array, which increases visibility but provides greater coverage.

Brian Reeler, Project Manager, put forth that the pole could be painted and Omnipoint would be willing to paint the pole. However, the array could not be reduced as the current antennae design was required to cover the area. Supervisor Dunning asked the cost of poles that resemble trees. Mr. Reeler stated that these poles are costly starting at \$200,000 for fabrication alone, while the normal pole costs approximately \$50,000.

Supervisor Dunning moved to approve SUP-03-05 as written.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye

Supervisor Weiss - Aye

County-wide Explosives Ordinance

The Clarke County Board of Supervisors will consider the amendment of the Code of Clarke County so as to:

- c) prohibit the use of explosives within 100 feet of private wells, public waterworks, private sewage disposal systems, public sewerage system and treatment works, and perennial springs and*
- d) to allow the use of explosives between 100 feet and 500 feet of private wells, public waterworks, private sewage disposal systems, and public sewerage system and treatment works, and perennial springs only after submission and approval by the Clarke County Board of Septic and Well Appeals of a Blasting Plan that addresses the potential impact of the proposed blasting activity on such facilities.*

Chuck Johnston appeared before the Board to present an overview of the proposed County-wide explosives ordinance. He stated that over 3,000 dwellings in the County rely upon private wells and springs for water. This amendment was proposed to protect these valuable water resources, as well as private septic systems. He explained that the County-wide ordinance follows up on the an ordinance recently passed that prohibits blasting in the area of Prospect Hill Spring.

At 10:59 am, Chairman Staelin opened the public hearing for citizen comment.

Keith Dalton, Manager - Town of Berryville, expressed concern regarding the amendment as written, as well as the definition of perennial springs. Giving an example of the blasting down in the Hermitage subdivision, he asked how the ordinance would apply to the Town and the Annexation area. He stated that this ordinance affects the Town's project to extend the outfall line to the Shenandoah River. Mr. Dalton opined that this change could increase project cost up to 20% or \$400,000. The Town's water and sewer is not tax funded and the increased cost would be passed on to utility users. Mr. Dalton requested that the Town of Berryville and the Annexation areas A and B and public utilities be excluded from the ordinance.

Shannon Dulaney, County resident, opined that the ordinance would increase construction costs impacting the cost of building and the price of private drainfields. He sited houses on Bloom Road that required blasting stating that this could not be down now because of the close proximity of the drain fields. He said that if they could not blast they would have to use a ram hoe. He expressed concern that the increased cost would be passed on to homebuyers; and with land values going up, the costs could discourage people from buying in Clarke County.

Supervisor Weiss responded that the ordinance is a preclusion of blasting not building.

Richie Wilkins, developer and property own in Clarke County, stated that in Berryville the restriction of 100 feet from public utilities in the proposed ordinance would ban blasting on every lot they develop. He informed the Board that the homes built in the Hermitage required blasting. He stated that the County encourages building near public utilities and this would discourage that practice. Mr. Wilkins told the Board that the property in Boyce was redesigned to accommodate the Prospect Hill Spring Ordinance and streets were built up above the rock.

Chairman Staelin agreed with Mr. Wilkins stating that the County does encourage people to build close to public utilities.

There being no additional persons wishing to address the Board concerning this matter Mr. Staelin closed the public comment portion of the public hearing at 11:15 am.

Supervisor Dunning expressed sympathy for Mr. Wilkins regarding the requirements in the Town. He told the Board that ten years ago a study revealed that 40% of the wells in the County were polluted due to septage. This ordinance is designed to reduce fissures in the rock, which directly contributes to the pollution.

Keith Dalton provided additional information regarding the outfall line stating that it had been installed in the late 1800's, with majority done in the mid 1930's. The new line would follow Dog Run to the river and the design is environmentally friendly. He reiterated that the additional cost would be a hardship. Mr. Dunning stated that the County used pneumatics from Millwood to Boyce for that sewer line. Chairman Staelin stated the use of pneumatics was requested after the bidding package was accepted without cost increase.

Mr. Johnston stated that a definition and description of perennial springs was included in TA-03-13, which was scheduled to be set for Public Hearing at the December 16, 2003, meeting of the Board of Supervisors. He advised that the Board of Wells and Septic Appeals would be responsible for reviewing blasting plans. He expressed his agreement with Mr. Dalton that the Town of Berryville and the Annexation areas should be excluded from the proposed amendment.

By consensus, it was agreed to exclude these areas. Chairman Staelin requested that the ordinance also refer to the definition of perennial springs.

An Amendment to the Code of Clarke County

Sections to be added shown in ***bold Italics***

Section to be deleted shown ~~struck through~~

16 DECEMBER 03

EXPLOSIVES

3. Purpose

More than 3,000 existing dwellings in Clarke County rely on private wells and septic systems for their water source and sewage disposal systems. In addition, portions of public water and sewer systems traverse areas of the County outside of town corporate limits. Use of explosives is hereby limited near:

- a. private wells so as to protect the quality and quantity of private well water,
- b. private septic systems so as to insure their effectiveness in processing sewage and the potential contamination of the groundwater, and
- c. public waterworks and sewer system and treatment works so as to ensure such facilities are not damaged.

4. Definitions

For the purpose of this ordinance "explosive" shall be as defined in §59.1-137, Code of Virginia. For the purpose of this ordinance "perennial spring" shall be as defined in §§143 and 184 of the Code of Clarke County.

5. Prohibited Area

Except in incorporated towns and the Berryville Annexation Area, use of explosives is prohibited within 100 feet of private wells, public waterworks, private sewage disposal systems, public sewerage system and treatment works, and perennial springs.

6. Limited Area

Between 100 feet and 500 feet of private wells, public waterworks, private sewage disposal systems, public sewerage system and treatment works, and perennial springs the use of explosives is allowed only after submission and approval by the Clarke County Board of Septic and Well Appeals (the Board) of a Blasting Plan that addresses the potential impact of the proposed blasting activity on such facilities.

5. Blasting Plan

The Blasting Plan shall include the following elements:

- i. Demonstration that the proposed improvements, including construction of buildings, earthwork operations, road construction, utility installation, and storm drainage/stormwater management facilities, for which blasting is to occur are located and designed so as to require the least intensive degree of blasting necessary and that it is necessary to remove the rock rather than relocating development improvements, changing elevations, etc.;
- j. A program for a pre-blast survey of all existing above and below ground facilities within 500 feet of the site proposed for the use of explosives;
- k. A blasting schedule identifying the location, size, and time period of blasting activities;
- l. A statement indicating that:

- iii) all blasting shall be done by licensed blasters and the contractor shall conform to all federal, state, and local laws and regulation regarding transportation, storage, and use of explosives; and
- iv) the contractor shall be fully responsible and liable for all damage incurred to publicly owned facilities as a result of the contractor's use of explosives and blasting operations regardless of whether or not the contractor had complied with such federal, state, or local laws and regulations.
- m. A statement that blasting work shall be performed in the presence of a licensed blaster;
- n. Other requirements that in the opinion of the Board ensures protection of wells, water works, drainfields, and sewage disposal systems.

6. Insurance

The contractor shall take out and maintain, during the period of blasting operations plus 30 days, special liability and property damage insurance for all personal and property damage incurred as a result of the contractor's use of explosives and blasting operations. The Board shall approve the coverage and amount of such insurance. No explosives shall be delivered to the site until proof of such insurance coverage is delivered to the Board. If the coverage or amount of insurance is not deemed sufficient, a special bond covering the blasting operations may be required by the Board and the bond's costs shall be paid by the contractor.

7. Notice

All governmental agencies as required by law, including the Board, shall be notified before the period of blasting commences.

8. Review Costs

The Contractor shall pay the County's costs for professional consultant review of the Blasting Plan.

Supervisor Dunning moved to adopt the amendment to the County Code as modified.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Boyce Crossing Tree Preserve Open Space Easement

Chuck Johnston, Planning Administrator, appeared before the Board to review the proposal of Greystone Properties, LLC to donate a conservation open space easement on 3.61 acres in the Town of Boyce that contains a grove of 200+ year old oak trees. George Ohrstrom and Pat McKelvey, both on the Conservation Easement Authority, were present at the meeting. Mr. Ohrstrom stated that the Authority was very pleased with the tree preserve. He expressed his sympathy for the opponents to development around this piece of property; but opined that the Authority does not set where development occurs. He relayed the Conservation Easement Authority's approval of the amendment.

Chairman Staelin noted references to signage on page 3 of the Deed of Easement. He requested that "until January 1, 2008" be added to the sentence (b) advertise the sale or lease of property in Boyce Crossing.

Vice Chairman Hobert requested that the Tree Preserve Maintenance Agreement be revised so that it is clear that amendments to this agreement are recommended by the committee established in the agreement and approved by the Conservation Easement Authority.

Vice Chairman Hobert moved to accept the Deed of Easement and the Tree Preserve Maintenance Agreement as amended, and the Tree Protection Specifications as drafted; and further, John R. Staelin be authorized to execute the agreement once modified.

The motion carried as follows:

- Chairman Staelin
-
- Aye
- Vice Chairman Hobert
-
- Aye
- Supervisor Byrd
-
- Aye
- Supervisor Dunning
-
- Aye
- Supervisor Weiss
-
- Aye

Chairman Staelin extended to Mr. Wilkins the gratitude of the Board for the creation the tree preserve. Supervisor Weiss opined that this action went above and beyond expectations.

Virginia General Assembly Grant Application for Greenway Court

Chuck Johnston appeared before the Board to provide them with a brief overview of the grant application. He explained that a study is to be done of the property. This grant is a 50% match and there is the possibility of federal grant money as well. Mr. Johnston assured the Board that no local money would be involved.

Supervisor Dunning moved to endorse the grant application for Greenway Court.

The motion carried as follows:

- Chairman Staelin
-
- Aye
- Vice Chairman Hobert
-
- Aye
- Supervisor Byrd
-
- Aye
- Supervisor Dunning
-
- Aye
- Supervisor Weiss
-
- Aye

Resolution Providing Guidelines for the Historic Preservation Commission

Chuck Johnston provided an overview of the guidelines to the Board. He stated that the proposed new resolution include the criteria for Certificates of Appropriateness, the Secretary of the Interior's Standards for Rehabilitation reference by these ordinance criteria and guidelines to interpret the ordinance criteria. He explained to the Board that the guidelines were derived from a 1990 resolution and were modified to more clearly state the intent and objectives of the review process. He informed the Board the Historic Preservation Commission had unanimously recommended that the Board of Supervisors adopt the proposed resolution. Mr. Johnston explained further that since these are guidelines and not ordinances; therefore a public hearing is not required.

Supervisor Byrd moved to adopt the resolution.

The motion carried as follows:

- Chairman Staelin
-
- Aye
- Vice Chairman Hobert
-
- Aye
- Supervisor Byrd
-
- Aye
- Supervisor Dunning
-
- Aye
- Supervisor Weiss
-
- Aye

Johnson Williams Senior Apartments – Discussion of Expansion

Chuck Johnston provided a brief overview of the proposal made by Graham Driver of Community Housing Partners, the holders of the long-term lease on the property. Community Housing Partners are interested in expanding the facility, which has been operating at full occupancy for eight or more years. They are open to any ideas regarding expansion and expressed a desire to work with the County to provide more affordable housing. Per Mr. Johnston, no written proposal was provided but CHP has expressed a desire to develop the

four acres belonging to the County. Also, they currently have only efficiency apartments; and they would like to include one-bedroom units.

Supervisor Dunning requested staff to contact Parks and Recreation to determine whether there was a need for the property that was once a soccer field. Chairman Staelin asked staff to follow up with Mr. Driver to have him address the Board with their proposal, what they deem affordable and the proposed rents. He requested that Mr. Johnston solicit input from the Town of Berryville. Vice Chairman Hobert expressed a desire to solicit input from other entities that might wish to purchase.

Request For Qualifications

Supervisor Dunning requested staff to prepare a Request for Qualifications for engineering studies for the Double Tollgate area. Particular attention to water and sewer locations and assessment of specific issues is requested. For clarification, Vice Chairman Hobert requested a written statement of intent for the engineering study. It was determined that staff should look at this request and discuss at the January meeting of the Board of Supervisors.

Set Public Hearing - Septic Ordinance Text Amendment – TA-03-13

The Clarke County Board of Supervisors will consider the amendment of the County Septic Ordinance, Section 143-7 Definitions and Section 143-11 Appeals & Variances so as to alter the definition of a Spring and restructure the appeals board and variance procedure. TA-03-13 (AT)

Chuck Johnston and Alison Teetor, Natural Resources Planner, provided an overview of the proposed text amendment. Ms. Teetor stated the proposed changes would grant staff the ability to act immediately to effect emergency repairs to correct failed septic systems after consulting with the Chairman of the Board of Well and Septic Appeals. Since a failure is defined as sewage on the ground, corrective action is required immediately, which is in conflict with the length of time required for the public hearing process. Jesse Russell, Zoning Administrator, stated that this is a health hazard that needs to be corrected as soon as possible.

Chairman Staelin suggested that the text be modified so that in emergency circumstances the entire Board of Septic and Well Appeals could consider the matter, and the public hearing could be waived.

Supervisor Dunning moved to set the matter for public hearing on January 20, 2004, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Referral of 2004 Agricultural District to Planning Commission

Jesse Russell, Zoning Administrator, appeared before the Board to provide a status update and the requests the Agricultural District Advisory Committee. He provided background information stating that the Agricultural District had been established in 1986; and currently has over 29,000 acres in said district. The renewal period for the Clarke County Agricultural District is every 6 years

He requested that the Board set a Public Hearing for the renewal, addition and withdrawal of agricultural lands, as well as amendments to the Agricultural District Ordinance at their regular April meeting in 2004 and refer this request to the Planning Commission at their regular January meeting.

He presented the following recommendations for additions to Agricultural District.

- 1) Martha and Eric Myer; TM# 21-A-76; 110 acres
- 2) J.C. Digges and Sons, Inc.; TM# 27-A-8; 142.51 acres; and TM# 27-A-6; 6.15 acres; and TM# 27-A-48; 34.50 acres; and TM# 36-A-1; 21.00 acres
- 3) H.K. Benham III; TM# 12-A-22; 17.5 acres

Jesse Russell stated that at this time there have been no requests for withdrawal from the Agricultural District. Applications for inclusion into and withdrawal from the Clarke County Agricultural District are still open and inclusions or withdrawals from the district may change prior to the Board of Supervisors April meeting. The Board may act on those changes at that time.

Mr. Russell reviewed the recommendation of the Clarke County Agricultural District Advisory Committee for changes amendment to the Agricultural District as follows: "*including qualified forestal lands* (properties that qualify for land use taxation) and *rename* the district to *Clarke County Agricultural and Forestal District*." Jesse Russell informed the Board that persons living on the mountain have expressed a desire to be included in the district.

Mr. Russell requested new appointments to the Agricultural Advisory Committee explaining that since 1998 committee members Jack Hardesty, Ken Erickson and Danny Franklin have retired. The Advisory Committee recommends the following replacement appointments:

John D. Hardesty, Jr. (Longmarsh District)
Debbie Norman (Longmarsh District)
Emily Day (Greenway District)

There was general discussion regarding review of the appointments by the Personnel Committee. Mr. Russell explained that the retired Advisory Committee members needed to be replaced as soon as possible. Also, the Committee was limited to eight members. Vice Chairman Hobert stated that he would like to see a representative from the mountain added to the Advisory Committee.

Supervisor Weiss moved to set the matter for Public Hearing for the April 2004 Board of Supervisors meeting and refer to the Planning Commission the applications for inclusion into the Agricultural District, and the proposed Ordinance amendment.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Supervisor Dunning to approve the new appointments to the Agricultural Advisory Committee.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Nay
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Discussion Of Committee Action

Personnel

Emergency Medical Services employees—a request from John H. Enders Fire Company.

Request for additional Compensation supplement for Health Department Employee.

Concurrence in distribution of Personnel Policy Manual at time of evaluation. Concurred in distribution of the policy in connection with personnel evaluations.

Special Request—Sheriff Recommends Approval—matter to be discussed in closed session.

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Conservation Easement Authority <i>Mr. Bieschke is reappointed to serve a three-year term.</i>	John Bieschke	12/31/06
Conservation Easement Authority <i>Mr. Ohrstrom is reappointed to serve a three-year term.</i>	George Ohrstrom, II.	12/31/06
Northwestern Community Services Board <i>Dr. Goshen is reappointed for an additional three-year term.</i>	Dr. Robert C. Goshen	12/31/06
Northwestern Community Services Board <i>Mrs. Myer is reappointed to serve a three-year term.</i>	Martha Myer	12/31/06
CFFW Regional Jail Board <i>Mr. Jelinek is reappointed to serve a four-year term.</i>	David Jelinek.	12/31/07
Parks and Recreation Advisory Board <i>Mr. Huff is reappointed to serve a four-year term.</i>	Ronnie Huff	12/31/07

Supervisor Byrd moved to accept in whole all the appointments as presented.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Supervisor Byrd requested Supervisor Dunning provide names of Boyce residents who would be interested in serving on the Clarke County Sanitary Authority.

Board of Supervisors Work Session

Chairman Staelin provided an overview of the financial model used by the Joint Committee on School Construction [JCSC]. He also reviewed the proposed resolution recommended by the JCSC.

There was general discussion as to whether the schools and the government could hold to the proposed 5% expenditure escalator. Supervisor Dunning expressed his belief that it would be difficult to stay within the 5% noting that the budget had been 10% each year.

Chairman Staelin stated that both government and schools would have to operate within the budget and that the School Board had passed the proposed resolution.

Supervisor Dunning stated that the composite index continues to rise, which increases the amount the County must contribute to school operation. He opined that the County could be ruined if they did not stay within the budget. He also expressed concern for seniors and middle-income families, who might not be able to afford the proposed tax increase. Eleanor Smalley responded to Supervisor Dunning's query as to the school's ability to operate within the budget with a reiteration that the School Board had passed the resolution.

Supervisor Weiss requested information on the County's capacity to borrow for future projects. Mr. Staelin stated that by 2013, if they operate within the proposed budget, the County could borrow \$12.6MM. He further noted that this Board is not known for being extravagant or wasteful. Therefore, at this point there is little that can be cut without disrupting services. Mr. Weiss expressed his discomfort at raising taxes.

Supervisor Byrd expressed concern that the 5% cap could affect the County's ability to provide competitive salaries or hire additional personnel such as Sheriff's deputies. David Ash stated that it would be very tight particularly if the County has to expand services. She opined that if something went wrong the only recourse the County would have would be to raise taxes and/or reduce expenditures.

Supervisor Weiss expressed his appreciation to John Staelin and Michael Hobert for their efforts on the JCSC. Discussion followed regarding the split decision by the School Board on the passage of the resolution. The Board concurred that there was a crowding issue at the high school and the need for additional elementary school space.

Public comment was solicited from the audience.

Randy Jones: Mr. Jones stated that the Board of Supervisors has been careful with spending. He expressed his belief that, if necessary, private funds could be raised to cover as much as \$10MM.

Robina Bouffault: Mrs. Bouffault cited figures from the November 5, 2003 report from Moseley. She questioned the ability to properly renovate the high school for elementary use for \$2MM as currently shown. She expressed her desire to see adequate schools constructed. Mrs. Bouffault stated that she wanted to see a plan that made sense.

Following discussion, it was determined that a public meeting be held to solicit public comment.

Vice Chairman Hobert moved to set the matter for a public meeting to solicit citizen comment on January 14, 2004 at 7:30 pm at a location to be determined.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Finance

No action was taken by the Board on items before the Finance Committee.

Bills And Claims

- J. Michael Hobert, Vice Chair

Vice Chairman Hobert stated that expenditures for the schools were not included in the Board packet. Chairman Staelin summarized the Board’s request from its November 2003 regular meeting stating that the October bills for the school had been approved by the School Board but had not been forwarded to the Board of Supervisors for review. Mr. Judge stated that it was a public document and could be provided.

Eleanor Smalley, School Superintendent stated that it was the School Board’s responsibility to review and approve. Chairman Staelin concurred stating that Board of Supervisors did require that the School Board provide a copy of the approved bills and claims for school expenditures in a timely manner subsequent to review and approval. He requested Tom Judge to provide the reports for October and November for distribution with the January 2004 Board of Supervisors packet.

Vice Chairman Hobert moved to accept the Bills and Claims for government expenditures as presented for the month. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates, which were distributed as part of the Board of Supervisors agenda packet. There were no questions or issues raised by the Board regarding the status to date.

Discussion of Legislative Priorities

Chairman Staelin summarized his meeting with Delegate Joe May. The Honorable Joe May assured the Board that the off load of the schools retirement costs would not happen. He expressed his support for a county-wide speed limit of 45 MPH as long as it is agreed upon by all members of the Board of Supervisors. In Frederick County, the Board is divided on the matter; therefore, they will not present the legislature on the floor. Joe May is also supportive of impact fees. Mr. Staelin told the Board that Joe May might be running for Lieutenant Governor in the next election.

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

Due to time constraints, John Sours did not appear before the Board of Supervisors; however, he did provide the monthly report, which was distributed as part of the Board of Supervisors agenda packet.

Miscellaneous Items

Fees for Service

Supervisor Dunning requested that fees for service in connection to the blasting ordinance be sent to the Finance Committee for review.

Summary Of Required Action

<i><u>Item</u></i>	<i><u>Description</u></i>	<i><u>Responsibility</u></i>
1.	Contact Parks and Recreation to determine whether there was a need for the property that was once a soccer field.	David Ash
2.	Contact Mr. Driver, Johnson Williams Senior Apartments, to have him address the Board with their proposal, what they deem affordable, as well as provide the proposed rents.	Chuck Johnston / David Ash
3.	Solicit input from the Town of Berryville regarding Senior Apartments.	Chuck Johnston
4.	Compose and distribute a letter regarding VRS to legislators.	David Ash
5.	Provide October and November 2003 Bills and Claims for school expenditures for distribution with the January 2004 Board of Supervisors packet.	Tom Judge
6.	Advertise for public hearings for Septic Ordinance.	David Ash
7.	Provide letters of appointment.	David Ash
8.	Advertise for public hearings for joint meeting of the Board of Supervisors and the School Board.	David Ash

Next Meeting:

The next regular meeting of the Board of Supervisors is set for January 20, 2004 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Closed Session

Supervisor Byrd moved to convene into closed session pursuant to Section §2.2.3711-A1 and §2.2.3711-A3 of the Code of Virginia, as amended, to discuss personnel and real estate issues.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Weiss moved to reconvene in open session. The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Supervisor Weiss moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 4:55 p.m.

ATTEST: December 16, 2003

John Staelin, Chairman

David L. Ash, County Administrator

CLARKE COUNTY BOARD OF SUPERVISORS	
December 16, 2003	Public Meeting
	7:30 p.m.
Board of Supervisors' Meeting Room	

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, December 16, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, and Supervisor Weiss

Also Present

Harry K. Benham, Joe Hickey, Dr. and Mrs. John Hart, Mr. And Mrs. George Greenhalgh, III, Anna Lee Horton, Beverly McKay, Jerry Herrmann, Val Van Meter and other citizens.

Absent

Supervisor Dunning

Call To Order

Chairman Staelin called the meeting to order at 7:34 p.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Shenandoah Valley Wells Fargo Hot Air Balloon and Wine Festival

Chairman Staelin explained that at the time of this meeting no application was before the Board for review for the 2004 event. He stated that at the time the Board approved the Special Entertainment Permit for the 2003 event it had been stipulated that the Board would hold a public meeting long before the 2004 event if there were problems at the 2003 event. He further explained that the reason for the public meeting was to discuss any issues prior to any event preparations by Long Branch for a 2004 event. Prior to opening the citizen comment portion of the public meeting, Mr. Staelin requested comment from Long Branch.

Harry K. Benham, III, Chairman Historic Long Branch Board of Directors: Mr. Benham provided an overview of the history of the event. He explained that this was their eighth year and the event attracts a large, family crowd. He told the Board that the event not only helps Long Branch but the community as well by increasing tourism and providing fundraising opportunities to local organizations.

Mr. Benham stated that the balloons go up five times over a three-day period. Prior to each launch, there is a briefing meeting with the pilots. Each pilot uses a radio, which is tuned to the same frequency for pilot-to-pilot and pilot-to-ground communication. Maps of no-land properties were distributed. Further, to participate in the event, pilots must also provide proof of insurance and are required to carry \$1MM with \$100,000 to cover damages. He noted that many property owners in the area have asked if balloons could land on their property.

Mr. Benham stated that in response to Dr. Hart's concern regarding balloons landing on his property they arranged to place an observer onsite during each launch event. Don Cady, the designated observer, was equipped with a radio; however, he observed no balloon from the Festival land on the Hart property. He stated that every major precaution was taken to prevent balloons from landing on any property where the landowner had requested they not land. To further ensure the no-land properties were identified, marking balloons were placed on properties where the landowners granted permission.

Mr. Benham stated that he could not comment on how high each balloon was actually flown. However, Long Branch has set a minimum limit of 500 feet, which is not required by FAA regulation over agricultural land.

At 7:44 p.m., Chairman Staelin opened the public meeting for citizen comment.

Tim Farmer, Public Relations Coordinator, Blandy Experimental Farm The State Arboretum of Virginia: Mr. Farmer read for the record a letter written by Dr. Michael A. Bowers, Director Blandy Experimental Farm, and Jim Wyatt, President Foundation of the State Arboretum. In this missive, they expressed their full support for the Hot Air Balloon Festival siting Long Branch as one of the County's most prominent and significant "crown jewels", along with Blandy and Burwell-Morgan Mill. They noted the tourism that the festival generates helps reduce the tax burden on County residents. The letter stated that as a community partner and a past participant in the festivals they were proud to play a part in the County's past, present, and future.

Mr. Farmer relayed a personal experience with a balloon landing on private property where the property owner was not cooperative with the pilots. He noted that had "calmer heads prevailed" the owner and the balloonist could have come to a solution that would not have resulted in a disturbance of the cattle.

George Greenhalgh, III, Owner Shan Hill Farm: Mr. Greenhalgh said that he unfortunately found himself on a "different side of the fence." He stated that the balloons go where the wind blows and Long Branch has no control over them. He stated that during the 2003 festival a balloon flew over his property below the 500-foot limit. He stated that he has complained for years about the balloons flying over his property; and thus far, Long Branch has been unable to comply with his requests. He stated the balloons were infringing on his property rights by flying over their land below 500 feet.

Vice Chairman Hobert inquired whether they had sustained any damage as a result of the balloons flying over their property. Mr. Greenhalgh stated that it had disturbed his horses and he had to return home cutting short a weekend away. There were no injuries to the horses. He explained that in past years balloons have landed in the paddocks behind the barn and this after being told not to land on his property. He further stated that no designated observer was placed on site nor was this offered to him.

Supervisor Weiss stated that he knew that the affects were felt on animals; but, in time the animals settle in. Mr. Greenhalgh explained that he has rotating stock so they do not have the opportunity to become habituated to the balloons.

Robin Greenhalgh, Owner Shan Hill Farm: Mrs. Greenhalgh stated that she had personally observed a balloon flying well under 200 feet above their property during the 2003 event. She stated that no veterinarian was needed for the horses. She noted that Shan Hill property was not properly marked on the map displayed in the Board Room.

John Hart, Owner Hart Farm, Inc.: Dr. Hart stated that the pilots have no control over the balloons. He stated that he does not want the balloons to bother him or his animals and he simply wants to make a living. He opined that the balloons frighten his thoroughbred horses and could cause damage to his income. He expressed a desire to co-exist with Long Branch and Blandy. He emphasized that the balloons flying over his property was a violation of his property rights.

Dr. Hart thanked Long Branch for having an observer to watch his property during the 2003 event. He stated that he was away but had been told by a neighbor that a balloon landed on his property.

Beverly McKay, Millwood and neighbor of Long Branch: Mr. McKay opined that Long Branch was an asset to the County and has brought in tourism that has helped the entire County; therefore a solution needs to be worked out. He stated his property borders Long Branch

and that balloons have landed on his property, including his corn fields. He expressed his desire to "get along with his neighbors" and his believe that the problems can be resolved by working together. He opined that Long Branch has tried to make the event work better each year.

Susan Hart, Owner Hart Farm, Inc.: Mrs. Hart said that she did not think anyone was against the festival. She stated that their concerns were about property rights and possible harm to their horses, which are their source of income. She stated that marking the property with balloons would not be enough with 400 acres.

Tom Wiseman, Millwood and neighbor of the Hart's.: Mr. Wiseman stated that he believes the matter can be resolved by working together as neighbors. He explained that he has flown with the balloon pilots and suggested identifying the property by marking with weather balloons.

Martha Cook, Millwood and neighbor of the Hart's: Mrs. Cook stated that she owned horses, one of which won the Carolina Cup. She noted that her horses were not bothered by the balloons. She further stated that no balloon from Long Branch had landed on the Hart's property during the 2003 event. She put forth that there was a renegade balloonist, with whom there have been problems in the past; and Long Branch is not responsible for balloons that are not part of their event.

Joe Hickey, Event Coordinator and employee of Historic Long Branch: Mr. Hickey explained that FAA regulations are ambiguous when flying over agricultural lands and they impose no limit. He said that Long Branch has imposed the 500-foot limit but noted that there was no limit at take off or when landing. He stated that he could appreciate the Hart's and the Greenhalgh's position and that Long Branch is seeking solutions for they want to work with their neighbors.

He noted the Blue Ridge Hunt also crosses the property of others and have been known to frighten horses and cattle, as well as leave gates open; however, the landowners work together. He stated that Long Branch does not wish to see the hunt stopped and they work through any problems. He reiterated that the event does require a minimum of liability insurance coverage of \$1MM.

Randy Sprouse, White Post Boy Scout Troup 11: Mr. Sprouse informed the Board that the Boy Scouts were participants of the Festival and that it was a major fundraising event for them. He opined that the Festival was a positive thing for the community and could be improved upon. He suggested using GPS mapping.

Joe Hickey stated that Long Branch was currently looking at GPS mapping noting that some of the pilots already had GPS available.

Ray Welch, President Shawnee Ruritan: Mr. Welch stated that they were participants at the Festival; and for them, this was a key fundraiser. They also sponsor a Boy Scout troop. He said that they have been involved with the event for the past four years. He informed the Board that the Ruritan raised \$10,000 for charity at the last year's event.

Charles Schutte, Rotary Club of Clarke County: He stated that this is also a major fundraising event for the Rotary Club, which has generated thousands of dollars that have gone back into the community. Over the past three years, Schutte said the Rotary club has raised \$6,000, which has all gone back into the community to sponsor scholarships, fund Christmas baskets for the needy and other projects.

Robin Greenhalgh, Owner Shan Hill Farm: Mrs. Greenhalgh put forth that they were not opposed to the Festival and were glad that it benefited so many. She suggested that her objections would be satisfied if the balloons would stay above 500 feet. She did state that if the pilots flying over their property at 200 feet or lower were equipped with GPS and it was claiming they were not below 500 feet; then the equipment must be giving a false reading.

Susan Hart, Owner Hart Farm, Inc.: Mrs. Hart put forth that she was not opposed to Long Branch but they do need to make a living. She stated that the Hunt comes through their property and they have had no problems. She noted accommodations they have made for the Hunt, as well as the efforts the Hunt has made to accommodate landowners.

Prudence Anderson, Boyce – Blue Ridge Hunt: Ms. Anderson expressed sympathy for the Hart's and the Greenhalgh's stating that they had too many horses to put them all in stalls during the three-day event. She expressed her desire for a resolution to the problem that would be beneficial to all parties.

Anna Lee Horton, Lockesly, Millwood: Mrs. Horton stated that she has events at her home that do not harm others. She opined that the Hart's have improved the County and that the Festival was causing problems. She said that Long Branch was having others pay their way. She further stated that Long Branch wants all the property owners to agree to have balloons land on their property so they can get more money to pay Joe Hickey. She stated that she and the Hart's had paid for their property and Joe Hickey did not; therefore, they had more at stake.

Tom Wiseman, Millwood and neighbor of the Hart's: Mr. Wiseman spoke in defense of Mr. Hickey requesting that he not be personally attacked for he was an employee of Long Branch.

Kathy Nerangis, Business Owner, Boyce: Mrs. Nerangis stated that she has been involved as a sponsor and is very proud of what has been accomplished by Long Branch. She noted that the pilots are very accomplished. She informed the Board that she was present at one of the briefings; and in her opinion, the pilots took their instructions very seriously. She stated that Long Branch is very concerned and wants to do what is right. She said that she has chaired events and must applaud the efforts that Long Branch has made. She further noted that her restaurant saw a 25% increase in revenue over the weekend of the Festival.

Sandra Sowada, Berryville: Mrs. Sowada stated that she would like to hear from balloonists. She said that these pilots have thousands of hours in flying time and have to be licensed. Further, they have thousands of dollars in equipment. She opined that they are not the type of people who take these things lightly nor were they likely to do harm on purpose. She further noted that it is the pilot's life in the basket and they do not wish to take risks.

John Hart, Owner Hart Farm, Inc.: Dr. Hart stated that he currently has a warrant against a pilot that terrorized a foal on his property. He suggested that the balloons be kept over Long Branch by tethering the balloons.

Michael Flagg, Millwood: Mr. Flag stated that he was also a neighbor of Long Branch. He stated that his cows were very curious about the balloons and they were his sole source of income. He stated that he does not have stalls for his cows so he cannot secure them during the Festival. He postulated that his livestock was also endangered by their close proximity to Route 50, but there are risks that must be taken daily. He said that Long Branch was a good neighbor; and while the Festival might be an inconvenience, it is only 3 days out of 365 in a year. He opined that the State Police and VDOT have improved each year with directing traffic. He noted that Long Branch has offered to put up red balloons to mark property lines but that some landowners do not want these balloons on their property.

Robin Greenhalgh, Owner Shan Hill Farm: Mrs. Greenhalgh put forth that she would appreciate the Board setting an elevation limit that would allow Long Branch to continue the event and that would also protect their horses.

Jim Daddio, Berryville, Boy Scout Troop Leader: Mr. Daddy stated that he also supports the Festival. He opined that horses can become accustom to the balloons, as well as the hunt.

At 8:38 p.m., Chairman Staelin closed the citizen comment portion of the public meeting.

Mr. Staelin extended his thanks to all those persons who attended the public meeting and for providing their comments.

Supervisor Weiss inquired whether the number of balloons participating in the Festival could be reduced. Mr. Hickey stated that this had been done; and the 2003 event had fewer balloons than the previous year and they have shorted the flight time. He indicated that a committee was looking at the impact on the event of further reductions. Mr. Hickey stated they have also provided maps to all the pilots with the no-landing areas marked.

Supervisor Byrd repeated the old adage "good fences make good neighbors." She put forth that she hoped all residents of the County would learn to work together for the mutual benefit of all. She suggested that a committee be formed with representatives from both parties to work on issue resolution. Further, more balloons were needed to mark property lines. Also, post persons at each property marked "do not land" and equip them with radios so they can communicate with the pilots if they are too low.

Vice Chairman Hobert expressed his appreciation to all those who had come to the public meeting. He told the Hart's, Greehalgh's and Ms. Horton that he appreciated that it was not easy for them to come and defend their position. He said that he thought that there had been a tremendous effort to make the event better each year. He opined that Long Branch was open and receptive to suggestions.

Chairman Staelin opined that Long Branch was an asset to the community and to the non-profit organizations. He further stated that property rights must be taken seriously. He noted that Long Branch has made promises and has actively taken measures to solve problems. Long Branch has also taken correction action in weeding out pilots that do not conform to the rules and regulations set forth by the Festival.

Mr. Staelin requested that Long Branch meet with the Board in February 2004 to discuss corrective actions that will be taken to insure property rights are not violated. He asked that they review insurances issue to ensure adequacy and the use of GPS by all pilots. Mr. Weiss asked that they also be prepared to discuss reducing in the number of balloons participating, as well as the possible exclusion or limitation of odd shaped balloons.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 8:50 p.m.

ATTEST: December 16, 2003

John Staelin, Chairman

David L. Ash, County Administrator

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